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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Gnó an tSeanaid - Business of Seanad . . . 702
Nithe i dtosach suíonna - Commencement Matters . . . 703
Agriculture Schemes . . . 703
Third Level Staff . . . 706
Public Parks . . . 708
Ambulance Service . . . 711
An tOrd Gnó - Order of Business . . . 713
EU Directive: Motion . . . 724
Policing, Security and Community Safety Bill 2023: Committee Stage (Resumed) . . . 724
Finance (No. 2) Bill 2023: Report and Final Stages . . . 756
Social Welfare (Miscellaneous Provisions) Bill 2023: Committee and Remaining Stages . . . 775
Social Welfare (Miscellaneous Provisions) Bill 2023: Motion for Earlier Signature . . . 801

SEANAD ÉIREANN

Dé Máirt, 12 Nollaig 2023

Tuesday, 12 December 2023

Chuaigh an Cathaoirleach i gceannas ar 11 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from the following Senators that they propose to raise the following matters:

Senator Victor Boyhan - The need for the Minister for Agriculture, Food and the Marine to make a statement on the delivery of agri-climate rural environment scheme payments to farmers before Christmas.

Senator Paul Gavan - The need for the Minister for Further and Higher Education, Research, Innovation and Science to make a statement on precarious employment in higher education in light of the recent Irish Federation of University Teachers, IFUT, report on this matter.

Senator Emer Currie - The need for the Minister of State with responsibility for the Office of Public Works to provide an update on the Phoenix Park transport and mobility strategy.

Senator Malcolm Byrne - The need for the Minister for Health to provide an update on the planned new ambulance base in Gorey, County Wexford.

Senator Tom Clonan - The need for the Minister for Children, Equality, Disability, Integration and Youth to make a statement on the delays and waiting lists for independent personal budgets for personal assistant services and on the need for a broadening of the brokerage models from the large corporate providers.

Senator Robbie Gallagher - The need for the Minister for Finance to make a statement on the enhanced reporting requirements to Revenue due to commence in January 2024 and if the requirements could be suspended for a period due to increased cost to employers.

The matters raised by the Senators are suitable for discussion. I have selected those raised by Senators Boyhan, Gavan, Currie and Byrne and they will be taken now. The other Senators

may give notice on another day of the matters that they wish to raise.

Nithe i dtosach suíonna - Commencement Matters

Agriculture Schemes

Acting Chairperson (Senator Paul Daly): I welcome the Minister of State, Deputy Noonan, to the Chamber. Our first commencement matter is from Senator Boyhan.

Senator Victor Boyhan: I thank the Cathaoirleach for selecting this important Commencement matter. I know the Minister, Deputy McConalogue, is in Brussels to discuss fisheries policy and is held there. I am sorry he cannot be here. The Minister of State is not from the Department of agriculture but I thank him for coming to the House to take this matter on behalf of the Department.

The matter I raise relates to correspondence that many Members will have received, certainly members of the Joint Committee on Agriculture, Food and the Marine, from Ms Elaine Farrell, who is the Oireachtas representative of the Irish Farmers Association. I thank Ms Farrell for her diligent work in communicating with the Oireachtas, its Members and the committee on all matters to do with agriculture that are relevant to the IFA. I thank the IFA for its continuous advocacy work on behalf of its members, which is powerful and important, as is every representative body in the area of agriculture. They are listened to and receive an audience here. People are committed to agriculture. It is a very important industry in Ireland.

The crux of the matter relates to the agri-climate rural environment scheme, ACRES, the Government's flagship environmental scheme, with which the Minister of State will be very familiar. Its purpose is to compensate, encourage and financially support farmers with a wide range of environmental initiatives on their farms. I think it is a good initiative. It is one that the Minister of State's party very much agrees with and is behind. There was a lot of talk about the role farmers can play in supporting the environment. We know that farmers are the custodians of our land. We also know that it is important that we have a good land policy. We further know the importance of the quality of our water and soil and the environmental and sustainability challenges. I salute the Government for coming up with this new scheme, ACRES. It is clear that there must be a buy-in. It is an indication of the Government's support and commitment that some money is given in advance to farmers who carry out and fulfil the criteria of ACRES. The criteria for the scheme are strict. It is all measurable. That is important too.

The gist of the IFA's argument is that more than 46,000 people applied for ACRES. It is a Government flagship scheme. I do not think anyone disputes that but the problem is the expectation that a substantial number of farmers would receive their payments. I understand that the Department announced that 27,800, or 60% of the people who applied for the scheme, will not receive their payments until February 2024. That is the kernel of it. It is very unsatisfactory. Surely somebody knew there may potentially have been an issue. Farmers deserve to be paid. The representative body, the IFA, has now made a case. At the end of the day, farmers have incurred expenses, including for consultancy, and they have done practical things. They have

spent money. If the Government wants to bring the farming community with it, as genuine stakeholders, it must fulfil its side of the bargain. The Government must commit to what was set out in the ground rules. It cannot change the ground rules in terms of business and dialogue.

What the IFA is asking is that the Minister would intervene. I ask the Minister of State to use his offices to talk to the Minister and to deliver some part of the ACRES payment prior to Christmas. That is the ask. Farmers want this payment. They are entitled to it. They signed up in good faith to engage in this system. I hope the Minister of State will be able to shed some light, so that when I leave here with the bit of paper he is going to read out, I can email it to the IFA and to farm organisations and tell them that the Minister is looking favourably in his response at the issue we have raised today with the Minister on behalf of the IFA.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): Gabhaim buíochas leis an Seanadóir as an gceist seo. I thank Senator Boyhan for raising this matter which I am taking on behalf of the Minister for agriculture, Deputy McConalogue.

Just this morning we announced a new environment scheme for breeding waders, €25 million from my Department via the National Parks and Wildlife Service and €5 million from the Department of agriculture. That is hugely important. As Senator Boyhan said, farmers and landowners want to participate in these schemes and that is why they have been hugely popular and there is such a big uptake on them. That is a great testament to the success of the schemes.

In line with the commitment in the programme for Government, a flagship environmental scheme, namely, ACRES, was launched last year. The scheme has funding of more than €1.5 billion over its five-year lifetime, to facilitate the participation of 50,000 farmers. As I indicated, there was exceptional demand for entry into the scheme, which demonstrates the interest of farmers to take actions to address climate, biodiversity, environmental and water quality issues.

The financial allocation in Ireland's Common Agricultural Policy, CAP, strategic plan, CSP, for ACRES facilitates the participation of 50,000 farmers, with intake phased over two tranches. While it had initially been planned to accept 30,000 under the first tranche, it was decided, in view of the level of interest, to accept all valid applications into the scheme which, in turn, means that some 4,000 will be taken into the second tranche.

The decision to accept all 46,000 applicants has put significant pressure on the ability to pay all participants in 2023. Officials have been working to expedite payments, but with the unprecedented numbers, it has not been possible to get all ACRES applicants paid by the year end. Payments will commence on 18 December with two thirds of all ACRES general participants in the final stages of being processed for payment in the initial payment run. Due to the additional complexity associated with the co-operation project, CP, stream, payments for participants in this stream are being progressed and will begin to issue in February 2024. Everything is being done to pay, as soon as possible, all ACRES applicants who clear prepayment checks. As part of budget 2024, the Government has committed €200 million to ACRES, which is a substantial increase on the 2023 budget. This Government wants to reward farmers for environmental ambition and pay them in accordance with the environmental results achieved. This is more challenging in the co-operation project areas. That is why additional non-productive investments and landscape actions are available as mechanisms for farmers to improve their lands, increase their scores and hence increase their payments. It is a results-based payment scheme.

The structure of ACRES is at the forefront of agri-environmental schemes throughout Europe. The achievements we have made to date in scaling a results-based approach up to a national level, building on the success of the European innovation partnership, EIP, initiative, and which farmers have found to be extremely effective and rewarding, must be acknowledged. The qualitative aspects of the scheme and the focus on the right action in the right measure in the right place demonstrates the way in which agri-environment schemes have evolved over the years, with a more holistic approach being taken by looking at the landscape as a whole and designing an ambitious scheme and actions that can contribute to addressing a range of challenges. Many of these were based on the Burren Life programme which was hugely successful. A significant achievement of ACRES to date is that now 25% of all land under agricultural management is scored. This output will provide a valuable resource across Government, demonstrating the multiple objectives and co-benefits of the scheme. We as a Government acknowledge the intensive and focused effort from all concerned, first and most importantly, from farmers but also their advisers, co-operation project teams and the Department officials who are working together on this first year of this new scheme. We further acknowledge that farmers were expecting payment before the end of the year and we note that the collective decision and hard work to include all eligible applicants into tranche 1 of ACRES has put significant pressure on delivering all payments by year end. Every effort is being made to maximise the number of applicants who will be paid in the period before Christmas and every effort will also be made to ensure that payments to co-operation project participants are processed as quickly as possible in early 2024.

Senator Victor Boyhan: I thank the Minister of State. He can share the frustration. It is about trust. There is a very fragile relationship between the Department, the Government and agriculture. Agriculture has become very divided. Here we have a really positive scheme and yet trust is now broken. The IFA contacted us last Friday expressing concern. Where is the lead-in time for this? Why was this not flagged four or five weeks ago? Why were the measures not put in place? I accept it is not the responsibility of the Minister of State; it is not even his Department. However, he, more than anyone, is committed to seeing this work. We now have a really positive scheme and we are falling down at the fence when it comes to the delivery end. It is an honour. People went into and incurred expenses and we need to honour our commitments to farmers who signed up to this scheme. The bottom line is 46,000 people are involved. They are not all involved in the lack of payment but it is very disappointing. At the end of the day, people have to put food on their table. They have to pay their bills. They have to honour their debts. I believe the Government needs to honour its concern. I ask one thing. Will the Minister of State take this away from here to the Minister? Will the Minister update the joint committee on agriculture when we meet again this week? Will he provide an update on how this is evolving and how we are going to get a solution?

Deputy Malcolm Noonan: Absolutely Senator, I can bring that back to the Minister, Deputy McConalogue. As the Senator can appreciate, the Department took in all applicants, given that there was such an uptake and such demand for the scheme, which is fantastic. It is brilliant that it has happened but it has created significant additional pressure, not to mention in particular on the co-operation project side of it. Every effort is being made to try to address it. Again I will flag that our new breeding waders EIP scheme opened today people. People can go to the Department of agriculture website. It is a €25 million scheme. The open calls begin from today until 22 January 2024. Again, we would love farmers to be involved in a very positive scheme. These are brilliant schemes and farmers want to be involved in them. The last thing we want is for them to be deterred from doing that. We want to resolve this as soon as we can.

Senator Paul Gavan: I thank the Minister of State for coming in this morning. I also wish to express my disappointment that neither the Minister of State, Deputy Niall Collins, nor the Minister, Deputy Harris, were available to come in. The Irish Federation of University Teachers, IFUT, carried out an extensive survey of more than 550 academics, including lecturers and researchers, in third level institutions throughout the country. It found that almost one third were employed on fixed-term or hourly-paid casual contracts. The precarious nature of employment across the sector is preventing many academic staff from being able to make long-term life decisions such as securing a mortgage or starting a family. They are also struggling to pay bills and rent. The issue is affecting the morale and well-being of the staff in a very real way. One would imagine that, having studied for years to be qualified at that level of academia, a job in the academic world would be a good career choice. One would think it would be fairly stable and well-paid work. Academic staff are the cornerstone of higher education. That goes without saying. The precarious nature of the work now is having serious consequences for the standards of education in our universities because students suffer too. Precarious employment means that students are increasingly taught by lecturers who are not paid outside of class time and therefore cannot provide the pastoral care and feedback that students need to improve their work and their confidence. It makes no sense that these workers would be undervalued or treated unfairly. The education of our future generations is at risk if this bad practice is not stamped out, yet that is not happening. The fact is that thousands of employees in our universities are on involuntary and inappropriate fixed-term, part-time, casual, if-and-when and zero-hour contracts.

Other issues the study highlighted are that 61% of casual, hourly paid employees do not get paid for time between terms and have to sign on every summer and that a further 31% work only on an if-and-when basis. Academics are working on average 11 hours per week over their normal hours with no additional compensation. One third of respondents felt their employer does not treat them with dignity and respect, and all those who felt their employer does treat them with dignity and respect still had significant concerns. Time prevents me from going through the rest of the survey, but I urge the Minister of State to have a look at it.

What was particularly disappointing was the initial response from the Minister, Deputy Simon Harris, who suggested that caution should be exercised in extrapolating the survey's findings across the entire sector. To be clear, the findings in the survey are entirely consistent with the previous Cush report, which was accepted by the Minister for Education in 2016. They are entirely consistent with multiple reports from the HEA and TASC and NERI statements on precarious employment. The survey is consistent with the recent OECD report on academic career precarity for early career research. While the Minister has urged caution as regards the report, it adds to the substantial body of research and work already done on this topic, all of which calls for immediate Government action, but there has been no such action. The Minister has talked the talk as regards dealing with this issue; he has actually done nothing. I will give the Minister of State a prime example. The Oireachtas joint committee on further and higher education called on the Department to carry out a complete review as regards precarity across the sector. That call was made last year, and 18 months on nothing has been done. The Minister likes to talk about how he is tackling precarity in the third level sector; he has done nothing about it. He is failing the sector and failing these employees badly, and it is incredibly frustrating and damaging to the sector.

I look forward to the Minister of State's response.

Deputy Malcolm Noonan: I thank Senator Gavan for raising this issue. I take this question on behalf of the Minister, Deputy Harris, and regret that neither he nor the Minister of State, Deputy Collins, is available this morning. Like the Senator, the Minister is well aware that insecure employment can and does have a detrimental impact on individual well-being and people's ability to plan for the future, as highlighted in the recent report from IFUT. Beyond that, it is also important to acknowledge that precarity can impact higher education at a systemic level in terms of recruitment and retention of staff or the quality of the student experience. It is for these reasons that the Minister is in complete agreement with the Senator that academic precarity should be treated seriously and addressed appropriately.

It is, however, important to acknowledge that there are many different factors that can give rise to non-permanent staffing arrangements, and there are sound reasons a position may not be filled on a permanent basis. For example, occasional, hourly paid staff may be engaged as exam invigilators or for cover at short notice due to staff absence, while fixed-term contracts may be utilised for time-bound activities or those reliant on student uptake. It would simply not be appropriate to recruit such staff on a permanent basis.

Ireland's traditional universities have considerable autonomy in respect of human resource polices under the Universities Act 1997. Although the legal basis for technological universities and other institutions is somewhat different, they too still require operational freedom and flexibility if they are to deliver on their mission. It is the responsibility of the Minister, Deputy Harris, and his Department to enhance, develop and reform Ireland's tertiary education sector. The measures being taken in that respect will directly help to combat any undue reliance on precarious contracts.

Crucially, €100 million in additional funding has been secured under the Funding the Future framework. This is a significant step forward in funding higher education on a sustainable basis and will enable institutions to recruit the staff they need while helping to remove the temptation to rely on more casual arrangements for budgetary reasons.

In addition, considerable work has been undertaken to develop a revised staffing framework to replace the current employment control framework, ECF. Work is continuing on this new approach, which will better align with the realities the higher education sector now faces. Further, an uplift of some 1,500 core-funded posts under the current ECF was announced in the summer, which will allow higher education institutions to recruit more permanent staff.

Alongside these measures, the national review of state supports for PhD researchers has been completed. There has been an increase in the stipend available to researchers and a work programme reflecting the report's recommendations is under development.

The concerns the Senator raised and that were referenced in the recent IFUT report are shared by all parties. There is no question that we need to offer pay and terms and conditions that can attract and retain quality staff and provide stable employment for individuals. It is not, therefore, the case to say that the Minister has done nothing; he has done quite an amount, in fact. I am happy that a significant programme of work is under way within the Department of Further and Higher Education, Research, Innovation and Science to do just that.

Senator Paul Gavan: I have to disagree with the Minister of State because this research shows very clearly that on the ground, things are not happening. On the ground, precarious

employment across the third-level sector is at an all-time high. The Minister, Deputy Harris, is talking the talk but he is certainly not walking the walk in this regard.

One of the key aspects that is missing is collective bargaining with the employer body, namely, the Irish Universities Association, IUA. What the Minister needs to do is instigate that immediately. We need tripartite bargaining between the union, IFUT, the IUA and Department because when they talk to universities, the message they are getting back constantly is that it is the Department that is blocking progress in enabling universities to take on people on a permanent basis. This situation is not just unsatisfactory; it is entirely unacceptable. Four years into this Government, the level of precarity is worse than it is ever been. We need and must see the Government do better.

Deputy Malcolm Noonan: I will take the opportunity to highlight that the IUA has been very clear that universities are committed to providing stable and fulfilling careers for staff and strongly rejects any suggestion whatsoever that deliberate attempts were being made to circumvent employment legislation. As I have spoken about measures taken by the Department to address precarity through increased funding and staffing, reform of the ECF and supports for researchers, it should, therefore, be clear that this Government shares the concerns around precarious working and its implications at individual and institutional level. This is a multifaceted question and there is not one simple answer to the variety of issues and circumstances that have been referenced today. There is more work to do in defining exactly who and what we mean by precarious working and these conversations will need to be underpinned by accurate data that all parties can better understand and agree in the challenge we are trying to address. Again, I will take back the Senator's concerns to the Minister, Deputy Harris, and they are noted. However, significant work has been done by Government and by the Minister to try to these issues.

Public Parks

Senator Emer Currie: The Minister of State and I are here to talk about the Phoenix Park again.

Deputy Malcolm Noonan: Yes.

Senator Emer Currie: I am seeking an update on the Phoenix Park transport and mobility study. It is more than two years ago since that strategy was launched and two and a half years since the public had their say. We cannot underestimate the importance of open space and the role that the Phoenix Park plays in the city in providing open space.

In the inner city, park use in terms of land use is only at 1.4%. Dublin North-West and Dublin North-Central have the highest percentage of land use for parks. That is because of the Phoenix Park. In Fingal, where I am from in Dublin West, we reach our targets in terms of open space per population and per person, but we do not have the connectivity people need to access those parks and that is a problem. As we see more compact growth in the city, it is also very clear how important it is to have access and connectivity to open spaces now and in the future. Between 2006 and 2022, the population in Fingal grew by 38% and, therefore, our parks need quality cycle lanes, both in them and connecting to them, public transport that connects to them and parking for people who need to drive. The Phoenix Park should be a hub of connectivity but it is not. There have been changes but I am not sure if we have necessarily seen improvements. It is brilliant that the No. 99 bus service has been introduced and is a step

in the right direction. The bus departs from Heuston Station every 30 minutes and travels to the visitors' centre but the service finishes at 6 p.m. when Dublin Zoo is a hive of activity because of Wild Lights, which happens in the evening. The bus service is a pilot scheme and I saw one person on the bus coming from town this morning on my way in. I want the No. 99 bus service to succeed and to do that, the route should be extended to Dublin 15. People in the city centre and the residents of Blanchardstown, Lucan and Finglas use the park the most. Public transport connectivity needs to be extended to these areas.

On cycle lanes, the Phoenix Park should apply best practice and have the highest quality cycle lanes, not bollards on the side of the road. There should be segregated cycle lanes and Dutch-style roundabouts like we are beginning to see in Fingal and Churchfield. Let us lead the way with that. I commend the Fingal County Council on its plan to provide cycle lanes into the park

On parking, there are people who need to drive to the park so they need to be able to park in the park. There are places to park in the park that are not publicised, which is an issue that can simply be remedied but that has not been done. There is a proposal to build a new car park just off the first roundabout on the left-hand side travelling from Castleknock. As guardians and protectors of the Phoenix Park and open spaces, should we not also consider instead of putting new tarmac down into the Phoenix Park but reinstate parking from Castleknock Gate to the first roundabout to facilitate the same number of cars? That option has not been considered and could be done if we had segregated cycle lanes.

Deputy Malcolm Noonan: I thank the Senator for her question regarding the Phoenix Park. She mentioned Fingal County Council and I was there yesterday launching its biodiversity plan. The county council has done fantastic work and great credit to them.

As the Senator will be aware as a regular visitor to the park, recent years have seen a significant increase in recreational visitors. The OPW faces a difficult challenge in balancing the need of all visitors and users of the park with differing requirements while also providing vehicular access to the various institutions within the Phoenix Park, including Dublin Zoo, An Garda Síochána, Áras an Uachtaráin and St. Mary's Hospital, etc.

The Transport and Mobility Options Study Post-Consultation Report was published in July 2021, as the Senator knows. The report sets out a series of recommendations for how park visitors will access, experience and move within the Phoenix Park while protecting the public and park environment. It made a number of recommendations to reduce commuter traffic and speed, to increase the cycling and pedestrian opportunities and to improve limited public transport. It also took into account the diverse and complex functions that the park serves, including its historic landscape, biodiversity habitats, visitor attractions and recreational spaces, along with its significant institutions and places of work. There was an extensive public consultation process, which resulted in more than 2,200 submissions.

The OPW has been actively progressing the various elements of the Phoenix Park Transport and Mobility Options Study Post-Consultation Report, published in June 2021. Within the study, five common themes emerged as follows: walking and cycling, access, gates and roads, public transport, movement within the park and public consultation - I think hat is general ongoing consultation. The study proposed that the recommendations would be undertaken in three phases over the seven years following the publishing of the study. I am happy to announce that the OPW has already embarked on and completed several of the projects arising

from the transport and mobility study. In the two years since publishing the study, the OPW has completed the upgrade of 9 km of footpaths and cycle lanes in the Phoenix Park, allowing for greater mobility and access across the park. It is also working with partners in Dublin City Council and the NTA on the design and roll-out of 8 km of permanent one-directional cycle lanes along both sides of Chesterfield Avenue, linking Castleknock to the city. Again, further updates will be provided in due course.

Thanks to the significant collaboration between the NTA and the OPW, the new 99 bus route, which the Senator referred to, has been operating successfully within the Phoenix Park since 5 October this year, although I note the points the Senator has raised in that regard. This was a key project to be delivered as part of the study. This new route links Heuston Station with the Phoenix Park Visitor Centre. There are a number of stops along the route at key destinations such as Dublin Zoo and Áras an Uachtaráin. I hope that, if there is sufficient demand, further expansion can be explored. The Senator mentioned Blanchardstown, Lucan and Finglas in that regard. That might be worth considering.

Another key project identified in the study was the creation of a one-way system on the North Road between Cabra Gate and Garda Headquarters. Following a successful nine-month pilot study, this arrangement has now been made permanent and has allowed for a two-way cycle lane along this section of road. Likewise, the pilot cul-de-sac on the Upper Glen Road is also now operating on a permanent basis. The OPW has also introduced a 30 km per hour speed limit, which became operational in early 2022. There are signs and road markings advising motorists of the speed limit on entry to the park and at key locations throughout.

With regard to cycling infrastructure, I am pleased to say that the number of bicycle parking spaces in the Phoenix Park has doubled from 120 to over 240 in the last 12 months. The OPW will continue to add further cycling infrastructure in the coming months and years. It is dedicated to increasing the number of people who visit the park by active travel means. The location of the additional stands is based on consultation with the cycling community and ensuring sufficient provision in busy areas of the park.

The OPW has also begun the process of increasing the number of accessible parking spaces within the Phoenix Park. Just this week, it installed the first age-friendly car parking spaces in the newly reconstructed car park at Knockmaroon. It is the intention to have 5% of all car parking spaces within the park dedicated as accessible parking and a further 5% dedicated as age-friendly car spaces. I will come back to the other points raised in my closing remarks.

Senator Emer Currie: There are small things happening around the park but they are not adding up to the change people want to see. They want quality bicycle lanes and different ways to get to the park. On the 99 bus route, the Minister of State said "if there is sufficient demand, further expansion can be explored" in the future. There is demand. The bus just has to be placed in the right place and it will thrive. I am talking about common-sense changes. Dublin City Council did a survey about the use of parks and what prevented people using them. Some 41.8% of respondents identified a lack of toilets. I am glad the OPW has said it is considering my proposal of eco-toilets but we need to get on with it and implement them. We need to make the Phoenix Park a hub of connections so that people can actually use it and feel welcome in the park.

Deputy Malcolm Noonan: It sounds to me like the Senator is saying there needs to be ongoing collaborative engagement. There was a non-statutory consultation process and 9,000

submissions were received. I absolutely take on board the points the Senator is raising and they will be brought back to the Minister of State, Deputy O'Donovan. Eco-toilets are a good idea. I have seen them in operation in other parks across the country and they are very good and effective. Ongoing engagement, particularly with elected Members, on the important points the Senator has raised today is critically important. If things need to be tweaked or changed or if things are not working, the OPW needs to take cognisance of those matters. It is the largest park in Europe and it is very important to the people of Dublin and beyond. We take on board the points the Senator is making and I will certainly bring them back to the Minister of State.

Ambulance Service

Senator Malcolm Byrne: Cuirim fáilte roimh an Aire Stáit. I raise the question of the ambulance base at Gorey, County Wexford. I am sure the Minister of State will join me in paying tribute to our hardworking ambulance crews across the country. The ambulance crew that is operating in Gorey is operating in a Portakabin that is completely substandard and unacceptable as a workplace. The National Ambulance Service Estates Strategic Plan 2016-2020, which was produced in consultation with the HSE, stated clearly that there was at Gorey a "new build required" and described the facilities there as "current base unsuitable, portacabin structure". In that strategic plan the National Ambulance Service, NAS, and the HSE committed to the completion of a new service by 2020. We are now in 2023 and a feasibility study was carried out in 2021 and in March 2022, which again reported that the existing station at the rear of Gorey District Hospital was completely unsuitable. The HSE capital plan for 2023 indicates the need for a new ambulance station in Gorey but there has been no progress to date. It is clearly identified within this HSE region as the worst ambulance station anywhere in the country.

Why is the HSE continuing to drag its feet on the provision of a new ambulance station in north Wexford? It is completely unfair to those who have to use the ambulances. More particularly, this is not acceptable as a workplace for members of the ambulance crew. I appreciate this is not the Minister of State's Department but I hope he will have some answers for me. I have tried to get the answers directly from the HSE but I have not been able to ascertain progress. That is why I had to bring a Commencement matter on the issue. I hope the Minister of State will be able to enlighten us.

Deputy Malcolm Noonan: I thank the Senator for raising this question on the planned new ambulance base for Gorey. Since 2016, the National Ambulance Service, including the south-east region, has undergone significant reform and modernisation, involving the prioritisation of investment in new service developments, including increased workforce, fleet and improved technology. NAS staffing resources nationally have increased from 1,694 as at December 2015 to 2,279 at the end of October this year. That is an increase of 585 whole-time equivalents and represented a growth in the NAS staff complement of over a third.

In Wexford, the NAS has increased its total whole-time equivalent staff complement by approximately 25% since January 2021. I have the breakdown of the figures for the Senator and I can pass them on. This includes the total number of paramedics serving in the region rising from 20 whole-time equivalents in January 2021 to 33 whole-time equivalents currently. This year the NAS had an unprecedented budget allocation of €214.94 million. This enabled continuing investment in increasing front-line emergency capacity and to expand the NAS suite alternative care pathways, including the NAS hear and treat service in the National Emergency

Operations Centre, which advises lower acuity patients of appropriate alternatives to hospital transfer, where clinically appropriate.

The National Ambulance Service serves the Wexford area out of four ambulance bases located in Enniscorthy, Gorey, New Ross and Wexford. NAS implementation of the dynamic deployment model of emergency response allows for further support from bases outside of the county, particularly from the NAS bases located in neighbouring counties, Wicklow and Waterford. The Gorey ambulance base capital project is included in the capital plan for 2023. The project is currently at design feasibility, with the HSE looking to identify the preferred site. The Department of Health is working in conjunction with the HSE to develop the capital plan 2024. Once finalised, the capital plan will be submitted for the approval by the Minister for Health, prior to publication in line with established procedures.

The development of new or refurbished healthcare facilities anywhere in the country cannot be seen in isolation or separate from the delivery of related healthcare services. Projects are approved by the hospital group and then approved by the relevant HSE directorate, before being submitted to the HSE national capital and property steering committee, NCPSC. Once approved by the NCPSC, the project is eligible for prioritisation and inclusion in the capital plan, subject to the level of funding.

As the Senator may be aware, management and administrative grade staff in the Fórsa trade union in the HSE commenced industrial action on Friday, 6 October. As a consequence of this industrial action, members in these grades are not engaging with political forums or processes. As a result, the information provided in this response is the

most up to date we can provide at this time.

Senator Malcolm Byrne: I appreciate that the Minister of State is answering on behalf of the Department of Health but tell us something we do not know. Essentially all we are told is that it is included in the capital plan even though it had been in the strategic plan for 2016 to 2020. There has been no progress. What the Minister of State is clearly saying is that the HSE has given no real commitment to the development of the ambulance base in Gorey. The Minister of State said it cannot be seen in isolation from the delivery of related healthcare services. Given that the development of the primary care service facility in Gorey has taken longer than the National Children's Hospital, it is not unfair for me to conclude that the estates division of the HSE has no interest in the development of capital services in the north Wexford area. This has been running on for nearly a decade. It is completely unacceptable and I ask the Minister of State to bring it back to the Minister and the HSE.

Deputy Malcolm Noonan: I will do that. I have given an outline of the fact that it has been included in the capital plan for 2023 and the pathway by which it can then progress through the national capital and property steering committee. The response is the response. I note the Senator's concerns and the fact that he is dissatisfied with the response and I will certainly take this back directly to the Minister on the Senator's behalf.

Cuireadh an Seanad ar fionraí ar 11.46 a.m. agus cuireadh tús leis arís ar 12 noon.

Sitting suspended at 11.46 a.m. and resumed at 12 noon.

Teachtaireacht ón Uachtarán - Message from President

An Cathaoirleach: I have received the following message from the President, an tUachtarán:

I, Michael D. Higgins, President of Ireland, do hereby inform the Seanad that the Supreme Court has decided that sections 9, 10, 39, 40(2), 42, 43, 45, 46, 47, 51, 57 and 58 of the Bill entitled Judicial Appointments Commission Bill 2022 are not repugnant to the Constitution or to any provision thereof. I accordingly signed the Bill on 8 December 2023.

An tOrd Gnó - Order of Business

Senator Lisa Chambers: The Order of Business is No. 1, motion regarding proposed approval by Seanad Éireann of a proposal for a decision amending Directive 2014/62/EU as regards certain reporting requirements, to be taken on conclusion of the Order of Business, without debate; No. 2, Policing, Security and Community Safety Bill 2023 - Committee Stage (Resumed), to be taken at 1.15 p.m. and to adjourn at 3.15 p.m. if not previously concluded; No. 3, Finance (No. 2) Bill 2023 - Report and Final Stages, to be taken at 3.15 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after two hours by the putting of one question from the Chair, which shall, in relation to recommendations, include only those recommendations set down or accepted by the Government; No. 4, Social Welfare (Miscellaneous Provisions) Bill 2023 - Committee and Remaining Stages, to be taken at 5.15 p.m. or on the conclusion of No. 3, whichever is later, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after three hours by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; and No. 5, motion regarding the earlier signature of the Social Welfare (Miscellaneous Provisions) Bill 2023, to be taken on conclusion of No. 4 without debate.

Senator Mary Seery Kearney: I rise with extremely good news. In the past three and a half years, while I have been here, I have regularly spoken about the families who have been created through surrogacy, children born by surrogacy and the future children to be born by surrogacy. I am pleased that the Minister for Health, Deputy Donnelly, has brought the legislative amendments to the Health (Assisted Human Reproduction) Bill to the Cabinet today and I have every expectation that they will be approved because they have already been through quite a process.

It is important that I pay tribute to the members of Irish Families Through Surrogacy, who are in the Gallery this morning. They are Ciara Merrigan, chair, Cathy Wheatley, spokesperson, Sara Byrne, public relations officer, and Andrei Balcanasu. I also remember Lisa Cahill who was unable to make it this morning. We look forward to receiving a briefing from the Department of Health later and finding out exactly what this looks like. We already know, however, that the recommendations of the Joint Committee on International Surrogacy were that there be a pre-conception process that safeguards the rights and needs of the surrogate and the rights of the children to their identities, process and natural lifelong relationship with both of their parents. The legislative amendments will also provide a retrospective provision for those of us who already have children via surrogacy and to ensure the recognition of the second parent. Currently under Irish law, only the biological father has the opportunity to have his lifelong le-

gal relationship safeguarded and the second parent, be it a mother or second dad, has no means by which to get that security.

It is important to note that many people have gone through a lot of losses by the time they take the surrogacy journey. They do so looking forward to holding their baby, safeguarding everything about that baby, cherishing that baby in the way they want to and honouring everyone in the process. We hear about the odd outlier cases in the surrogacy journey in which the surrogate's rights are not upheld. No one enters surrogacy with a view to doing anything other than respecting and cherishing the surrogate for our child for all our lives. The first thing I do on my child's birthday is to think of the surrogate and honour her and the extraordinary position she has put us in as a family. A lot of campaigning has been done by Irish Families Through Surrogacy and Irish Gay Dads. They have worked tirelessly to bring us to today. We still have a process to follow. The amendments are due to be discussed in the health committee in January and the process will begin. I am awaiting the thumbs up from the Taoiseach's office, as soon as a decision is made at Cabinet. I especially congratulate the Minister, Deputy Donnelly, and the Ministers, Deputies McEntee and O'Gorman, but Deputy Donnelly headed this up in the past year and worked with his officials, so I congratulate him on all the hard work.

An Cathaoirleach: We extend céad míle fáilte to the group and thank them for their advocacy and work.

Senator Timmy Dooley: I join Senator Seery Kearney in complimenting the group *in situ* and recognise her for the work she has done. Of course, others have rightly identified that there was an issue that needed to be resolved, but her perseverance, personal interest and legal knowledge and expertise have been very helpful in ensuring parents like her and others will be treated appropriately by Irish law and not be disenfranchised as they have been to date. That is great work. If she had done nothing else, although she has done a lot more, that is something she could be rightly proud of.

Today at COP28, we hear of the difficulties of OPEC and other fossil fuel-dominant countries holding the rest of the world to ransom. It is disheartening, but a strong team is there fighting the cause and we hope they will have some success. We can do more here at home, however, to address this issue and I am conscious floating offshore wind is one of the great potentials this country has, not just for economic development here but also to power large parts of Europe from the rest of Ireland without the need for carbon emissions. Other countries in Europe are moving ahead. Scotland and other parts of Britain and Portugal have embraced the opportunity and are steaming ahead. We have been talking about it for a long time but in terms of actual flesh on the bones, we have been relatively slow to make progress.

I would like a debate on this in the new year. We talk about bringing power onshore by 2032, but a lot has to happen. All the infrastructure has to be built and port development has to take place. We have to build wind turbines and the platforms on which they will reside, well out into the Atlantic Ocean. That takes time, and I do not feel as though the level of co-ordination is there to make it happen. The vision is there and the policy is moving but I do not believe we have the operational approach. I appeal to the Government to look at embedding a unit within the IDA to co-ordinate this activity with all the stakeholders and interest groups to try to bring it to fruition. I am also conscious that, from a policy perspective, we need to move. A third phase of the future framework policy is scheduled for quarter 1 of 2024, and it is important that part of that will ensure the designation of the marine area plans be undertaken. In addition, I believe a 400 MW floating wind demonstrator, to be included in the renewable energy support scheme,

should form a part of that phase. If we are to get to our target of bringing the power ashore by 2032, we will need to have taken steps well in advance of that.

An Cathaoirleach: I concur with the Senator's remarks regarding Senator Seery Kearney and her work and thank her as well.

Senator Sharon Keogan: I raise the issue of Ireland's future and what the Government's plans for it are. Two areas of importance relate to the brain drain and birthrates. It is no secret that many Irish people and foreign nationals are educated in Ireland at the taxpayers' expense only to move abroad and take their education, experience and social capital elsewhere. While, of course, the free legal movement of people can be of benefit and Ireland has a long history of emigration, it does somewhat amount to money out of our pockets and into those of other countries, which will receive income tax from people who have been educated and paid for by the Irish taxpayer. Of course, tax is not the be-all and end-all; it is more so the case that we really need those people here.

One of the sectors in which this phenomenon is most often observed is healthcare. Irish doctors and nurses flee the country on qualifying because there are many greener pastures for our young healthcare professionals. Their vacant posts are then filled by immigrants who are also leaving a worse country or situation for a better one. The point is often made when we debate immigration that the HSE could not run without immigrants and it is presented as a sort of 'gotcha' moment to those who propose decreased immigration, but the question is never asked as to why our national healthcare system is reliant on the labour of foreign persons or whether it is desirable that it is. Why is our healthcare system, the most expensive in the EU by some metrics, so bad that our young doctors and nurses flee the country to escape working in it? Maybe if young professionals had any reasonable expectations of a place to live, that might make them stay, but they do not, of course. Earlier this year, a poll found that when young people in Ireland aged 18 to 24 were asked if the accommodation crisis would make them consider leaving Ireland, 75% said "Yes". The brain drain affects every sector, even Cabinet, as we are set to lose the Minister, Deputy Donohoe, to the IMF, and maybe the Minister, Deputy McGrath, to Europe. I hope this is not a sign of the sinking ship.

Last week, we had to address Ireland's population graph and its demographics. Countries across the EU are starting to wake up to just how much trouble will be caused by Europe's collapsing birth rates. As populations age, new workers must be found to pay for the elderly. Some countries, such as Germany, have turned to immigration to try to solve this. This approach brings its own problems. Ireland's birth rate has decreased steadily since 2008. It is down by 20% in the last ten years. It is a demographic time bomb. Is the Government aware if this? If so, what Minister will do something to address it?

An Cathaoirleach: We should take the Senator's advice and go to Paddy Power to put money on the two Ministers being appointed.

Senator Sharon Keogan: I hope it goes great.

Senator Vincent P. Martin: Yesterday a new planning and environmental court was officially launched in a bid to speed up complex judicial review cases. A UN worldwide report, commissioned in 2016, concerning the adjudication of environmental disputes, concluded that the establishment of environmental courts and tribunals is a key step in improving the adjudication of environmental disputes. The Citizens' Assembly on Biodiversity Loss held that the

State has comprehensively failed to adequately fund, implement and, most importantly, enforce existing national legislation and policies and EU biodiversity laws and directives related to biodiversity, and that this has got to change.

The judge tasked with the serious responsibility of managing this new division of the High Court, Mr. Justice Richard Humphreys, said yesterday, "The document-heavy, technicality-heavy and EU-law heavy nature of Planning and Environmental cases is such that a significant number of them are relatively anomalous in a regular list and present in such a context as relatively time-consuming and problematic. The new specialised court will be better placed to keep track of developments in this complex area than would arise if such cases were dealt with in a general list." Clíona Kimber SC, head of the climate bar, said yesterday that she hoped the new court will be the start of a new approach to the enforcement of existing national legislation and that this new court, launched yesterday, will be the start of meeting "the defining challenge of our age", which is climate change, pollution and biodiversity loss.

The specialised court will enable the development of a high level of judicial expertise, with expert judges. Mr. Justice Humphreys, Mr. Justice Holland and Ms Justice Emily Farrell are the first three. I hope the resources will be doubled in due course, in the lifetime of this Government. This was an issue that was a matter of keen interest for the Green Party in the negotiated and agreed programme for Government. We were also keen to ensure that it would be implemented during the lifetime of this Government. This is a positive day for the environment. It is a good news story. I acknowledge the role of the Minister for Justice and the two other parties in this Government that made it possible.

Senator Paul Gavan: I begin by also acknowledging the fine work of Senator Seery Kearney on the surrogacy Bill. I have witnessed it first-hand. I want to once again raise the issue of Palestine and, in particular, the very powerful lobby we have received over the last week calling for the EU-Israel Association Agreement to be terminated. This is the correct call to make and I am calling on the Government to make that call at Thursday's EU Council meeting. Earlier, I looked at the extent of sanctions that have rightly been applied against Russia. It would take me the best part of the next three minutes to go through all of them but they are really extensive. They include crude oil, coal and other fossil fuels, steel, gold, cement, asphalt, wood, paper, seafood, liquor, cigarettes and cosmetics. That is in place because of the illegal invasion of Ukraine.

We are all witnessing genocide. No one can even dispute that any more. The figures are horrific with 18,000 deaths, of which 70% are women and children, yet the EU refuses to impose sanctions. They are witnessing genocide and they are refusing to anything about it, effectively giving a green light. Let us also here record the shameful vote of the United States against a ceasefire at the UN last week. We have to do more and we have to do better. I have been consistently making this call. The Irish Government has an opportunity to do better this week and I really hope it does so. It is entirely inexcusable to on the one hand justify sanctions against Russia while refusing to apply those same sanctions against a country committing acts of genocide daily. I am calling for an urgent debate on that matter. I am really fearful, as we head into Christmas, as to what the situation will be when we return here in mid-January.

The second issue I wish to raise is the ongoing crisis in our health service. Members may have heard Phil Ní Sheaghdha on the radio yesterday. There were 747 patients on trolleys. She expressed the strongest concern about what is happening in our health service as we head into another winter crisis. She said the first thing that has to be done is lift the restrictions on

recruitment. That is a common-sense argument. More beds need to be opened but they cannot be opened because there is a moratorium on hiring staff. This is entirely a crisis of the Government's making. Again, I fear what we will face when we come back in January. The fact there were 32 children on trolleys yesterday is entirely unacceptable. There were 106 patients on trolleys in Limerick this morning. The situation continues to get worse. The first thing the Government needs to do is lift the embargo on recruitment. It sends all the wrong signals to those willing to come home and work in our health service. More importantly, it prevents us from dealing with the crisis this winter. I am calling for an urgent debate as soon as we come back after the Christmas break.

Senator Eileen Flynn: First I want to say to Senator Keogan: a few weeks ago you had a health scare. It is public knowledge. When you went to the hospital-----

Senator Sharon Keogan: Sorry -----

An Cathaoirleach: I ask Senators to be curamach with the language in terms of personal issues and to comment through the Chair as well. Thank you.

Senator Eileen Flynn: Okay. If any Member of this House was to have a stroke or heart attack or collapse right now and they had to go to the accident and emergency department, would they really give a damn about the colour of the person's skin or what country they come from?

Senator Paul Gavan: Well said.

Senator Eileen Flynn: I would love for people to answer that question for me. Keeping it on equality, last week the Cathaoirleach hosted an event around Pride here in Leinster House. I was so proud to be there as a member of the Traveller community and, most importantly, to admire the work of Senator David Norris over the past 30 years in this House and the changes he has made in Irish society. I want to congratulate the Cathaoirleach on that event. Hopefully, the next Seanad and the next Dáil will have more visible diversity and equality.

I also take this opportunity to thank the ushers, the restaurant staff, the bar staff, all the PAs and the clerks in this House who work so hard and always have a smile on their faces and give us the best support they can.

An Cathaoirleach: Thank you. I remind all Members that the Order of Business is for raising matters particular to the Order of Business as opposed to other issues. I thank the Senator for her remarks. We are moving to the two-minute slots.

Senator Malcolm Byrne: Like others, I would like to pay tribute to Senator Mary Seery Kearney for all of her work on the surrogacy issue. She brought her personal story but she has clearly delivered on this issue. I want to say, "Well done".

On the other issue, I want to pay tribute to all of our healthcare workers, including many of those who come from all over the world. I see at first hand the vital work they do, in particular during the Christmas season. We should remember that Christ himself had to seek refuge. It is important to remember those who have to flee their homelands to seek refuge in other places.

Senator Eileen Flynn: Hear, hear.

Senator Malcolm Byrne: The Leader will be aware of the hurricane that happened in Leitrim and the impact it has had. I have raised in the House previous similar incidents in

Foulksmills in south Wexford. Extensive damage was done to a number of homes as a result of winds blowing at a rate of up to 130 km/h. Any of the much needed supports for Leitrim village should also be made available to those in Foulksmills. Only very limited supports have been made available. This speaks to the bigger issue of the increased number of adverse climate events we are experiencing in this country. It has an impact on insurance because more businesses and properties are now not insurable due to adverse weather events. It is critical that we have a debate around the levels of support that are available to homes and businesses as a result of adverse weather events, whether that is flooding, as we have seen in places like Midleton, or the hurricanes we have seen in Leitrim and Foulksmills. I hope we can facilitate that debate in the new year.

Senator John McGahon: I wish to start by paying tribute to my colleague Senator Seery Kearney. The work she has done in committee, the House, the Fine Gael Party and with other political parties has been outstanding. Today is a very proud day not just for Mary, her husband Dave and their daughter Scarlett, but for all of the families whose lives have been demonstrably improved because of Mary and her actions in the Oireachtas

Moving on to perhaps less glamorous issues, Hackballscross is an area in north Louth. That is the name of it. Senator Gavan's party gets a lot of votes in that particular area, but I not so much. To be brief, Hackballscross is a townland in north Louth. It borders south Armagh. My colleague in Dundalk-Carlingford is Councillor John Reilly. I accept this issue is more appropriate for a Commencement debate but given the time constraints this week, I would like to raise it now. Councillor Reilly has done a huge amount of work in north Louth and the Cooley Peninsula to make sure that mobile blackspots have been improved. He has done that by ensuring mobile phone companies are able to upgrade their masts throughout the north Louth area. The one area he is having a problem in is in Hackballscross. As is the case with some Garda stations around the country, there are legacy issues about who owns the land beside the Garda station. We do not know whether it is owned by the OPW or the Department of Justice. We do not know whether the phone company has the right to upgrade the mast. As a result of the triangulation of no one taking responsibility, people in that part of County Louth have a terrible mobile phone signal, and will continue to have it because no one has the ability to upgrade the phone mast. I accept this would be more beneficial for a Commencement debate, but I ask that we have clarification from the OPW and Department of Justice about where mobile phone masts can be upgraded to get people up to the proper level of service. I am aware that this issue affects at least four or five other Garda stations on the island of Ireland. I would appreciate if we could take a look at providing this clarification in the new year.

Senator Timmy Dooley: Monitor communications around there.

An Cathaoirleach: That is a different matter. Thank you.

Senator Victor Boyhan: I wish to join with others in congratulating Senator Mary Seery Kearney on all her championing and advocacy for surrogacy. Like so few in here, she was courageous, brave and bared her personal circumstances around the issue. That is not an easy thing to do; I have done it myself. There have been many disappointments and setbacks along the way, but she was always dignified. She gave witness to her campaign. She had personally walked that road and had that experience. That was potent, strong and powerful. She showed great skill as a parliamentarian and I genuinely want to salute her and say, "Well done" for sticking with it when it was not easy. Again and again, Senator Seery Kearney was back batting for the campaign. Her unique insight into her own story and that of her family recently on televi-

sion was exceptionally moving. Well done and fair play to her.

Regarding fisheries, I raise the issue of our Minister is batting hard in Brussels today in respect of the fish quotas for our fishing community. The fishing and seafood industries do not get enough time on the floor of this House, and many of us represent fishing communities. Some will be aware that on the last day of this month, the Brexit Adjustment Reserve fund runs out. However, there has been somewhat of an exception for An Bord Iascaigh Mhara, BIM. There were some controversies around the funding that has gone from the Department of agriculture to BIM, which seems to be sitting with BIM, and the Minister is addressing some of those queries.

I ask that we have a focused debate on the fishing industry and the food industry very early in the new year. It is an area that we as an island nation need to concentrate on and keep our fair quotas. I wish the Minister well today as he hopes to expand the catchment and quotas, particularly for mackerel fish, in our Irish waters.

Senator Frances Black: I congratulate Senator Mary Seery Kearney on the fantastic work she did on this issue. On behalf of the Civil Engagement Group, CEG, I say, "Well done".

I wish to raise Palestine once again. The European Council will meet this week. As the situation in Gaza worsens and the death toll rises, we hear loud and clear right across Ireland and the world the call for action to hold Israel to account. In the EU context, there are a number of things we can and should specifically do. In particular, I urge the Government to push for suspension of the EU-Israel Association Agreement under Article 82, which allows either party to suspend the agreement for any reason with a six-month sunset clause. That should be a priority for our Government. We should not facilitate trade with countries that are brazenly violating – I repeat, brazenly violating – the human rights of others.

I also ask that the Government seek a suspension of the memorandum of understanding, MOU, between the EU, Israel and Egypt with regard to fossil gas. This MOU is the first such agreement that does not explicitly exclude resources taken from the occupied territories. We quite rightly stopped buying Russian gas when Russia grossly violated international law and we should now be doing the same with Israel.

In the letter he co-signed with EU council colleagues, the Taoiseach rightly said that the EU's credibility is at stake. I strongly urge the Taoiseach to push for these measures because by allowing trade to continue and even allowing agreements that incentivise the dispossession of Palestinians, we are complicit in what is happening.

We know how dire this situation is and we cannot continue to allow the EU to stand by while horror, death and destruction unfolds in Gaza. I ask the Government to please try to support what I suggest today.

Senator Robbie Gallagher: I raise the issue of the chronic shortage of taxis available in many towns and villages throughout the country. I welcome the fact that a new coalition of groups have come together to try to address and highlight this issue. A number of taxi organisations, the hospitality sector, the vintners association and also industry in general have come together to try to shine a light on this chronic problem. I understand this group recently wrote to An Taoiseach and the Minister, Deputy Ryan, on this issue as well.

It is an important issue for many villages and towns throughout the country, particularly in

rural Ireland, where it is affecting the night-time economy of those areas. People who wish to go for a night out, for a meal in a local restaurant or to the local pub would love to do so but the problem is that when they do go out, they have no way of getting home. In many cases, they can wait hours. If they are lucky, they may get a taxi. However, in many other instances, people end up with no taxi and have to call somebody to try to get a lift home or, alternatively, end up having to walk home, which is dangerous in the hours of darkness. It is an issue that needs to be addressed. I welcome the fact that this new coalition group has come together to try to address it. If Members are in agreement, I ask the Leader, on behalf of the House, that we, too, write to the Taoiseach and the Minister, Deputy Eamon Ryan, to highlight this issue and that we arrange a debate when we come back after Christmas. It is important that people go out to socialise, that they go out and meet people at night-time. It has a positive effect on the economy. I would like to ensure that if people do decide to go out, there will be a taxi available to them whenever they decide to head home.

Senator Paddy Burke: I would like to be associated with the words of congratulations to my colleague, Senator Seery Kearney, on the great work she has done which has brought happiness to so many people. I call for a debate on the wind industry, particularly small, domestic wind turbines. We have seen huge growth in the area of solar panels for rooftops for houses. We could have small, domestic wind turbines in use by thousands of households, farms and small businesses. So many people would take them up. I wonder in some cases if the solar panels are suitable for the Irish climate. For five to six months of the year, they are not that good, whereas we have an abundance of wind. This is an area the Government should have a look at. The House should have a serious debate on small, domestic wind turbines and their promotion when we come back in the new year.

I congratulate and compliment the Sustainable Energy Authority of Ireland, SEAI. It carries out inspections and provides grants. The SEAI is one of the most efficient States agencies I have dealt with over many years. I have no doubt that if it were to get involved in this new area of domestic wind turbines, it would become a new industry in the State. I call for a debate in the new year on small, domestic wind turbines.

Senator Mark Daly: I compliment my colleague, Senator Seery Kearney, on all her hard work on this initiative, along with many others. Her lived experience is vital to the work of politicians and Departments, in Leinster House and around the country. For too long, we did not have those voices in this Chamber and the issues were not raised or progressed as a result. Change did not come because many others whose voices were not being heard as they were unable to get through the system to have their voices heard. It is because the Senator is here that this change has happened. She has been relentless in her pursuit of the matter, working with colleagues across the House, in the Dáil and in the Departments. It is no small feat to get change in this country, or any country, in a system that is so used to doing things as it always did. It affects such a small group of people that it does not have the critical mass to be able to get momentum but it is required. Hopefully, the progress will continue.

Senator Martin Conway: I am delighted colleagues are recognising the great work of our friend and colleague, Senator Mary Seery Kearney, on this legislation, which we would not have today but for the leadership she showed. It sometimes is down to having a person to knit everything together and show leadership. I commend the Senator. Hopefully, the legislation will pass through the Houses without many blips. That would be important.

I also welcome the news that Lisdoonvarna in County Clare is to have its GP service con-

tinued. It was a big controversy when the local GP who had given decades of service, Dr. Collins, announced that he was retiring. Thankfully, as a result of the great work and advocacy of Councillor Joe Garrihy and others, including me, the HSE is in a position to appoint a doctor, starting at the beginning of February. The news is even better. There is a graduate fellowship and, therefore, there is going to be a pilot scheme involving a graduate doctor based in Lisdoonvarna three days a week. That person has commenced the fellowship. It is a new programme completed funded by the HSE where a graduate doctor will engage with and work in a rural community. Hopefully, as a result of that person working in the local rural community, he or she might get to like rural life. It is an initiative that we have all sought for a long time, in particular through the health committee, when we had the colleges in and we engaged on rural doctors and GPs. The scheme is being piloted in Lisdoonvarna, County Clare. I wish the graduate doctor who has commenced the programme the very best of luck. I have no doubt that person is going to find the north Clare, Lisdoonvarna and Doolin area a lovely place to live.

An Cathaoirleach: Before I call the Leader to reply to the Order of Business, I remind all Members that the purpose of the Order of Business is to consider the proposal from the Leader for the taking of the business of the day. Members may wish to raise matters that they believe worthy of a debate. I remind all Members that they may not raise matters that are personal to any Member of the House, even for the purpose of illustration, during a broader point in a debate or discussion at any time. The privacy of Members in relation to personal matters must be respected by all Members. I ask all Members of the House to please bear that in mind.

Deputy Lisa Chambers: I thank all Members who contributed to the Order of Business. The first to speak this afternoon was Senator Seery Kearney. Given the smile on her face, I can see how delighted she is with the progress of the work she has done in the area of surrogacy and rights for parents. I concur with her remarks. Almost every Senator who rose this morning congratulated her and acknowledged her work.

As Senator Mark Daly pointed out, it is very difficult to make changes to policy and legislation, even for us legislators and policymakers. It is extremely difficult to bring about change of that nature and magnitude. I commend Senator Seery Kearney on her work in that regard. Irish Families Through Surrogacy have been here and have been battling long and hard to get to this point as well. I acknowledge the work of those families in that organisation. Senator Seery Kearney has been very gracious as well in acknowledging the work of other colleagues in the Oireachtas, including the Ministers, Deputies Donnelly, McEntee and O'Gorman as well who helped to get the Bill to where it is today. I say well done to her on that work. Personal experience means a lot when one takes on an issue and tackles it head on. I am sure it is a proud day for Scarlett as well to see her mum bringing that policy change and Bill through.

Senator Dooley spoke about the difficulties and stalemate at COP28, which have been well flagged at this stage. The EU is to be commended on its stance, as well as the Minister, Deputy Eamon Ryan, for standing their ground on this particular issue and being very forceful. The oil lobby has been extremely strong. It is acknowledged for its attendance in large numbers at COP28 because it is finally worried that the wording agreed might refer to the phasing out of fossil fuels, as that is what people want to happen. It is worrying that corporate interests are still so high on the agenda when the world needs to phase out fossil fuels.

Senator Dooley also spoke about floating offshore wind. I concur with his remarks in that we have a lot of planning and groundwork to do first before we even get to put a turbine off the west coast. We cannot wait until 2032 to do the planning and groundwork for that. He pointed

to port development and getting ready for when the technology is available for the deep waters off the west coast. It is almost there. That is where the opportunity lies, not just for the west coast but for the country as a whole. We can do great things if we harness that potential. I agree that we have been a bit slow to get off the mark.

Senator Keogan spoke this morning about a brain drain and the decreasing birth rate. The decreasing birth rate is a problem right across the developed world. We are one of the better EU countries, but we are heading in the same direction. We have the benefit of looking to other countries such as Italy and Japan where there is a very low birth rate as well of less than 1.0. We can see what is happening in other countries and try to address it. I read an article in a newspaper at the weekend about the long-term economic impact if our birth rate continues to decrease. The Government will have to look at assisting families. Many are now delaying having children because of housing, job opportunities and women going to college and getting further education. Things have changed and that is having an impact on our birth rate. That is certainly something to be addressed.

With regard to brain drain, as somebody from the west of Ireland, there was always emigration. People want to leave to a certain extent, to get life experience and to work in other countries. I did it myself. I am sure many of the other Senators did as well. I am not as concerned on that front. Young people heading off after college or before doing an apprenticeship and wanting to get life experience is a good thing. Many of them actually come home eventually because home is home.

That is not to say we do not have challenges in the health service. I concur with the remarks of Senators that our health service relies heavily on workers from other countries and it would probably collapse tomorrow if they all left. We have to acknowledge that we need workers in our health service. Of course, we need to improve conditions in the health service for people working in it. That has been a problem over many years. Despite huge amounts going into healthcare in this country we still do not have the health service that we want, deserve and strive to achieve but we are making great progress and it is often pointed out that we have the longest life expectancy of any European country. We have made great strides in cancer care, cardiac care, stroke survival and diabetes, which are the big killers. We have made great progress in the past 20 years in survival rates and improving our services. The health service is really great in some areas but there are pinch points and emergency departments are often the ones we look to. However, there are many fantastic happenings in the health service. When we get in the door, we get the best of care. I want to acknowledge the good aspects of the health service as well as some of the challenges.

Senator Vincent P. Martin spoke about the new planning and environmental court that had its first sitting yesterday. A ceremonial sitting was attended by both the Minister for Justice, Deputy McEntee and the Minister of State with responsibility for law reform, Deputy James Browne, and the Attorney General. This is a good step forward. The Government has been really strong in trying to look at the pinch points in the planning process that are delaying significant strategic projects. It also acknowledges that because of that we are seeing exploitation of the planning process and others using those pinch points for financial gain. Having a new planning and environmental court will fast-track complex planning applications with an environmental aspect but also still ensure due process and an opportunity for people to have their say, which is important.

Senator Gavan spoke about Palestine this morning, as did Senator Frances Black, and the

need for the EU to take a stronger stance. I also want to acknowledge that yesterday Ireland, along with Belgium, Spain and Malta, signed a letter to be sent to the European Council urging Europe to demand a ceasefire. We are one of the few countries that can be really proud of our record to date on this conflict. We have been unequivocal in our condemnation of what Israel is doing in Palestine and in Gaza in particular and what is happening to those people. We have repeatedly called for a ceasefire from the very earliest moment. Ireland was one of only four countries to sign that letter yesterday. As a Government and as a country, we can stand over what we are doing. We are very clear in our position as a Government and as a country that we believe in peace. We are a country and a voice for peace. We want the maiming, killing and murder to stop. We have made that very clear on any opportunity that our Minister for Foreign Affairs, our Taoiseach and our Ministers have had to bring that message to Israel and at European Union level, they have taken. As I said previously I do not believe there is any division in Ireland on this issue. We are all united in supporting a ceasefire, a two-state solution and condemning what Israel is doing in Gaza. Nothing short of absolute horror and murder is happening there. The Government has been strong on this and we are doing our best to have a voice at an international level.

Senator Flynn spoke this morning about healthcare. She also spoke about the staff of the Houses of the Oireachtas and took the opportunity as we are in our final week to thank all of the staff in the canteen, the restaurant, the bar and across both Houses for all of the work that they do. I concur with her remarks in that regard.

Senator Malcolm Byrne spoke about healthcare workers and about the need to have workers from all over to assist in delivering the service. He also spoke about the tornado in County Leitrim, which was a phenomenal and adverse climate event. He also made a call for Foulksmills in south Wexford to receive the same Government supports because it also experienced an adverse climate event.

Senator McGahan spoke about Hackballscross. I am not fully familiar with the issue there in terms of a piece of land on which the ownership is disputed. However, I urge Louth County Council to focus its efforts on getting that information and trying to resolve the issue on behalf of residents there and ensure that there is mobile phone coverage. That is a basic requirement in this day and age.

Senator Boyhan spoke about the Minister, Deputy McConalogue, who is in Brussels negotiating fish quotas on behalf of Ireland. The Senator wished him well and asked for a debate on fishing and the fishing industry in Ireland. We will request that debate for the new year.

Senator Black spoke about Palestine, which I have already addressed.

Senator Gallagher spoke about the night-time economy, rural transport, the coalition that has come together to advocate for more taxi services in rural areas, be that Uber or hackneys, and the need to give people a transport option because if they do not have transport, they cannot go out. I concur with the Senator's remarks and will request a debate on that issue in the new term.

Senator Burke, like Senator Dooley, spoke about the wind industry but more about small domestic turbines and the potential that could be harnessed there. I agree with Senator Burke that solar panels are good when the sun is shining, but you probably need quite an expensive battery operation to make it worth your while throughout the year. Turbines, however, could be a good

and viable option for many farms and businesses in rural Ireland, where there is plenty of space and plenty of wind, as we know. Senator Burke also commended the work of the SEAI, which is doing great work in administering many schemes and getting those retrofits going.

Senator Mark Daly spoke about the work of Senator Mary Seery Kearney and the difficulties in bringing about change and policy change. I concur with those remarks.

Finally, Senator Conway spoke about a pilot being run in Lisdoonvarna to try to encourage GPs to locate in rural areas. I welcome the establishment of the pilot. It is very worthwhile because this is a challenge in many rural areas. Where an older GP may be retiring, it often proves difficult to get a replacement GP for the area, and we need to address that for rural communities.

Order of Business agreed to.

EU Directive: Motion

Senator Lisa Chambers: I move:

That Seanad Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Decision of the European Parliament and of the Council amending Directive 2014/62/EU as regards certain reporting requirements,

a copy of which was laid before Seanad Éireann on 10th November, 2023.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 12.52 p.m. agus cuireadh tús leis arís ar 1.19 p.m.

Sitting suspended at 12.52 p.m. and resumed at 1.19 p.m.

Policing, Security and Community Safety Bill 2023: Committee Stage (Resumed)

SECTION 16

An Cathaoirleach Gníomhach (Senator Eugene Murphy): Amendments Nos. 20 to 22, inclusive, and No. 25 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 20:

In page 29, between lines 20 and 21, to insert the following:

"(b) community development;".

Amendment No. 20 seeks to insert experience and expertise in matters connected to community development to the list of types of subject matter expertise that may qualify someone for appointment to the board of An Garda Síochána. At present, the Bill provides that only persons with expertise in the functions of the Garda, organisational governance, management and public administration, or financial matters may serve on the board.

This amendment makes me think of section 10, which we considered the other day. It relates to gardaí being required in the courts for prosecutions. This is something I will seek to submit an amendment on. When we take gardaí from the duties they are trained for and have them in the courts, when somebody else could be doing that job, we take away from their role. Nobody can take on their role when they are taken off duty to attend to court matters. Amendment No. 20 relates to the expertise that may be needed on the board of An Garda and the expertise people in the community can feed into the process. While there is an argument to be made that the establishment of a board is a retrograde step, on account of its inability to provide independent and transparent oversight and accountability, it is absolutely the case that we must expand the list of types of relevant expertise to incorporate a broader and more diverse range of perspectives. Both amendments Nos. 21 and 22 have intentions similar to that of amendment No. 20, adding expertise in "human rights and equality matters" and "data protection", respectively.

As drafted, the legislation will mean no representation on the board from persons who are impacted by the delivery of policing services daily. This amendment seeks to remedy that by including the perspectives of persons who possess expertise in the development of vibrant, safe and sustainable communities in Ireland. According to a 2015 Government framework policy for community development, community development refers to a distinctive approach to working for social and economic development and change, which involves individual and collective empowerment, enabling and supporting members of a community to work collectively to improve the quality of their lives, community and society. This approach is often based on the understanding that those affected by poverty or disadvantage are often excluded from society due to discrimination, prejudice or a lack of resources, skills, confidence or education. It strikes me that few people are better placed to provide informed and robust oversight to An Garda Síochána than community development workers, who themselves are committed to improving the quality of life in all our communities. It could go some way towards building bridges and fostering more empowering relationships between An Garda Síochána and the communities that are often most policed.

Amendment No. 21 seeks to insert experience and expertise in matters connected to human rights and equality to the list of types of subject matter expertise that may qualify someone for appointment to the board of An Garda Síochána. I have already spoken about the need to embrace a greater variety of perspectives within the board in a general sense, but there is a really robust argument to be made to include the perspectives of persons with expertise in human rights and equality matters. Policing, specifically, has the potential to significantly impact core fundamental rights, including the right to privacy. However, we also have to be mindful of the requirement under the public sector equality and human rights duty for public bodies to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their work. It is critical, therefore, that human rights and equality interests be represented at board level in An Garda Síochána, given the significant interaction between gardaí and the public and, often, people in very vulnerable and compromising circumstances.

Amendment No. 22 seeks to add data protection to the list of types of subject matter expertise that may qualify someone for appointment to the board. The relevant section states a person shall not be recommended by the service for appointment by the Minister unless the service is satisfied the person has sufficient experience and expertise in these matters. It should be self-evident why expertise in data protection is so crucial when selecting members of the board. The Government is in the process of legislating to equip An Garda Síochána with new forms of data-gathering and data-processing technologies, including body cams and facial-recognition technology. In my contributions to the related legislation, I have highlighted the many dangers this may pose to privacy and data protection. I have highlighted evidence in the UK of systemic failures in data protection, including the leaking of body cam footage and the sharing of body cam footage on WhatsApp. We already have experience of such data protection and privacy issues in An Garda Síochána, and the introduction of new data-gathering technologies will only increase risk in these matters. Any breaches of data privacy can be devastating for the public and trust, and for An Garda Síochána itself. It is members of the board who will be tasked, according to section 12, with promoting high standards of corporate governance that ensure appropriate systems of control are in place. This is why I believe it is crucial that data protection should be a core expertise and priority of board members and that this should be baked into primary legislation. Board members should be keenly aware of An Garda Síochána's crucial role in terms of data privacy and should have knowledge and expertise that can contribute to upholding the standards of protection within An Garda Síochána.

The next amendment, amendment No. 25, states that "Nothing in this section shall preclude an individual with previous convictions from serving as a chairperson or ordinary member of the Board.". This amendment seeks to provide that persons with a criminal record could serve as a member of the board of An Garda Síochána. At present, many barriers prevent individuals with a criminal record from serving on boards, particularly regarding the charities sector, on account of restrictive provisions within the Charities Act 2009. I understand that there is a similar provision in the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015, which also disqualifies an individual with a criminal conviction from serving on a board.

A particular argument is to be made for the need to make room for the voices of individuals with lived experience of the criminal justice system on the board of An Garda Síochána. I wish to highlight the need for expanded access to spent convictions, and inclusion more generally. I think this small amendment, though, would go a long way in allowing people who have expertise gained from experience to serve on boards. We see many people in our prison system now leaving there and going to university to study criminology, sociology, etc. I have two friends now with PhDs who cannot get any sort of work in any area they have studied in. I think they would be an asset to any board, and especially this board. At the level of the drug task forces, we have also struggled to get people onto those boards who have lived experience in our communities because of the Charities Act 2009 and, in other cases, the Companies Act 2014. I hope, therefore, that this is an amendment the Minister can see the benefit of in respect of ensuring the board is inclusive and being led by people with a wide range of expertise and insights.

Acting Chairperson (Senator Eugene Murphy): I thank Senator Ruane. I call Senator Barry Ward.

Senator Barry Ward: I am sympathetic to the impetus behind these proposed amendments. Amendments Nos. 20 and 21 relate to section 16 of the Bill and the skill set that members of the board would have. What Senator Ruane said is absolutely right insofar as the board would benefit from people who have a background in community development or experience

and knowledge of human rights and equality. I have a small concern, however, in respect of the way section 16(3) is set out, which is with a view to setting up a body that has a specific skill set in terms of experience or knowledge of "the functions of An Garda Síochána", the "organisational governance" and the "financial matters". Looking at section 12(1), it would appear that this seems to be the main impetus of the people who will be on the board.

By the same token, I appreciate what has been said about the added value that would be gained from people who have the range of experiences set down in amendments Nos. 20 and 21. I do not agree, though, that these aspects should be core competencies as set out in section 16(3). However, I wonder if there is room for the amendment to be changed slightly to state that these could be additional features that could be considered in the appointment process, rather than making them criteria set out in paragraphs (a), (b) and (c) of section 16(3). I do not think I could support the amendment as currently drafted.

Regarding Senator Ruane's proposed amendment No. 25, to amend section 16 to include a new section 16(5) to prevent, essentially, anybody with a previous conviction from being excluded from the board for having a previous conviction, if I have understood this proposal correctly, I do not think the Bill, as drafted, necessarily excludes people but I understand the point the Senator is making. Generally speaking, an important point to consider is that we have people on boards who, for whatever reason, have fallen foul of the law, have been convicted of an offence and may have served a term of imprisonment or whatever it might be.

We must, of course, remember that a conviction can include some very minor things, like speeding, for example. Nobody goes to jail for it, unless there are consequences or unless it becomes dangerous driving. It is still a previous conviction, however, and, in theory, those people must, as I understand it, report that previous conviction under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016. It is grossly unfair that people who have had that kind of misstep and had the misfortune of being convicted, and perhaps of having served time, are thereafter excluded from any rehabilitation into society or from the ability to have functional lives, including functional working lives and functional lives in charities or whatever it might be. I do not think the amendment is reasonable in circumstances where I do not think it is necessary, insofar as the Bill does not exclude these people. It is really a matter for the Minister of the day to take into consideration whether the type of people whom Senator Ruane mentioned, who have clearly gone on, post conviction, to lead functional and contributing lives, would be an asset to the board. The notion of putting into the Bill that no previous conviction could ever be used to debar someone from membership of the board is problematic. I have mentioned speeding as a previous conviction but a previous conviction could also include capital murder or very serious drug trafficking, fraud or whatever it might be. This might necessarily deem a person ineligible under many other criteria. The baldness of the amendment makes it problematic and I do not think it can be supported in this regard.

Minister for Justice (Deputy Helen McEntee): I thank Senator Ruane. As she has outlined, the amendments are all about membership of the board of An Garda Síochána or appointment to the board. I will discuss them together. Amendment No. 20 seeks to add community development to the list of matters that persons recommended by the service are to experience or have expertise in. While the Bill does not expressly state "community development", if we look at the functions of An Garda Síochána, it is reasonable to expect that persons who have experience in their own express functions, which are provided for in a different section and include preventing harm to individuals who are vulnerable or at risk and protecting and supporting victims of crime, they will also have a background that overlaps with community support

and development. The Bill tries not to be overly prescriptive where something is essentially covered in other parts of the Bill. We have discussed this a lot regarding earlier amendments and the same would be said for amendment No. 21, which seeks to add human rights and equality matters. Under section 9, protecting and vindicating the human rights of each individual is a function of An Garda Síochána. In looking at membership of the board we would have to look at making sure we have people whose objective is protecting and vindicating the human rights of each individual. I absolutely agree with the sentiment of what is being proposed but it falls under other parts of the legislation.

Amendment No. 22 is slightly different so I am minded to accept it. What we are saying more generally is that someone should meet one or more of these criteria, along with having knowledge of the functions of An Garda Síochána and financial matters. While we have an obligation to have a data protection officer who is available to An Garda Síochána and the board, as a criterion it is different from more broad community engagement on human rights, which is very clearly defined in some of the overall objectives of An Garda Síochána. I am minded to accept this amendment. I know there is a subsequent amendment to it.

With regard to amendment No. 25, I agree there is more emphasis now on rehabilitation and we need to make sure people are not precluded forever more from being part of Government organisations or senior positions, particularly where they have lived experience and had particular roles. There are provisions in section 18(2), which provide that a person who is convicted on indictment of an offence, convicted of fraud or dishonesty, or sentenced to a term of imprisonment is disqualified from holding office. However, it does not preclude a person who is convicted of a summary offence where it does not involve a term of imprisonment from being considered, except where it involves fraud or dishonesty. Given the sensitive position of overseeing An Garda Síochána, a line needs to be drawn somewhere. This is not to state that in future it will not change or that we cannot make changes in this regard. What we have at present allows for a certain degree of flexibility but it does not go so far because then we would have to prescribe what type of sentence, what length of sentence and what type of offence we are speaking about. This in itself is more challenging. It is something that could be looked at down the line, perhaps in other legislation Senator Ruane or we have been working on with regard to spent convictions. With regard to this Bill, the balance we have struck is appropriate given the sensitivity of the particular position of overseeing An Garda Síochána. I cannot accept amendments Nos. 21 or 25 but I will accept amendment No. 22.

Senator Lynn Ruane: I thank the Minister for accepting amendment No. 22. It is a good addition to the Bill, especially given what I said in my contributions regarding facial recognition. It gives me some comfort to know it will be there. With regard to amendment No 25, the Minister knows that I take regard not of the crime that someone has committed but rather the length of time since that crime was committed. If someone has committed a crime, whether it be murder, a summary offence or a crime the person did or did not end up in prison for, it is usually the distance from it that matters. The board would still have full control of who is on it. A person cannot just demand to be on the board anyway. People have to show they work in the area, such as working in community development, as a drugs worker, in youth and community sectors or whatever field. Yes, they have a previous conviction. We see people who have done time in prison during their lives working on task forces and in youth clubs and what they add. They are on the joint policing forums and safety forums and are feeding in at all those levels. Ultimately, if the Minister will not accept the amendment now, will she try to reframe the issue in the long run? It is not about just taking someone fresh from prison who says they want to

be on the board of An Garda Síochána. How people are selected and appointed, the interview process and whatever else goes along with that, would have to make sense and be in line with the legislation . It would have to be done in conjunction with all those things.

Deputy Helen McEntee: While these provisions are standard across the Statute Book, I take the Senator's point. Between now and the next Stage, which will probably be taken in the new year, I commit to looking at it and exploring it further. There are implications because this amendment is incompatible with another section of the Bill, where that is clearly outlined. I take on board the points the Senator made.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 21:

In page 29, between lines 20 and 21, to insert the following:

"(b) human rights and equality matters;".

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 22:

. In page 29, line 21, after "management" to insert ", data protection".

Amendment agreed to.

Section 16, as amended, agreed to.

Section 17 agreed to.

SECTION 18

Acting Chairperson (Senator Eugene Murphy): Amendments Nos. 23, 24, 103, 104, 161 and 162 are related and may be discussed together by agreement.

Government amendment No. 23:

In page 30, line 36, to delete "is adjudicated" and substitute "subject to *subsection (3)*, is adjudicated".

Deputy Helen McEntee: The amendments in grouping 7 relate to bankruptcy provisions in the Bill. The Attorney General has advised that as currently drafted, the provisions in the Bill which bar a person who is bankrupt from the Garda board, the policing and community and safety authority and the office of the independent examiner are not in line with the directive. My amendments will ensure that people who have been discharged from bankruptcy will be eligible for consideration for a role in any of these three offices. This will ensure compliance with the overall directive.

Amendment agreed to.

Government amendment No. 24:

In page 31, between lines 12 and 13, to insert the following:

"(3) A person shall be disqualified from holding office as a member of the Board, a committee of the Board or the audit committee under *paragraph (a)* of *subsection (2)* only for so long as he or she has not obtained a certificate of discharge from the bankruptcy.".

Amendment agreed to.

Senator Lynn Ruane: I move amendment No. 25:

In page 31, between lines 26 and 27, to insert the following:

"(5) Nothing in this section shall preclude an individual with previous convictions from serving as a chairperson or ordinary member of the Board.".

Amendment, by leave, withdrawn.

Section 18, as amended, agreed to.

Section 19 agreed to.

Acting Chairperson (Senator Eugene Murphy): Amendment No. 26 has been ruled out of order due to a potential charge on the Revenue.

Amendment No. 26 not moved.

Section 20 agreed to.

Sections 21 to 25, inclusive, agreed to.

SECTION 26

Question proposed: "That section 26 stand part of the Bill."

Senator Lynn Ruane: We oppose section 26 of the Bill, which provides for the appointment of the Garda Commissioner, in its entirety as its inclusion in the Bill risks politicising the office of the Garda Commissioner. It is a retrograde step without any evidentiary justification and we are unclear why it has been taken. In recent years, the independent Policing Authority has had a strong role in the appointment process, running the competition and nominating the Commissioner for appointment by the Government. The Bill proposes to reverse this to a Government appointment merely in consultation with the authority and the board.

GRECO, the Council of Europe body for the prevention of corruption, recommends the independent appointment of the chief of law enforcement agencies, given the political appointment of the chief can pose a corruption risk. In the UK, chief constables are appointed by police and crime commissioners, the equivalent of the Policing Authority. While an argument can certainly be made that there is a difference because the Commissioner is also head of the security service, this did not appear to be especially problematic in the nomination of the current Commissioner by the Policing Authority. It is our view that the nomination of the Garda Commissioner by the authority must be preserved to ensure the Commission is independent of the Government. Additionally, it runs the risk of disempowering and undermining the independence of the authority, a key body in promoting ethical and effective human rights-based approaches to policing.

Deputy Helen McEntee: Currently, the Policing Authority has responsibility for the appointment of the Garda Commissioner under section 9 of the 2005 Act. This is to invite the Public Appointments Service, PAS, to undertake a competition to nominate a candidate to the Government along with any ancillary roles. Acting on the recommendations of the Commission on the Future of Policing, CoFPI, the Bill will remove those roles from the new authority, whose functions are now more clearly defined. We want to make sure oversight and governance are separate, with the authority and the inspectorate coming together on oversight and the board dealing with governance.

Under the Bill, the appointment will continue to be made by the Government, and it is clear the Minister has a statutory obligation under section 4. It will then go to a selection competition undertaken by the PAS at the invitation of the Minister and the selection criteria will have to be approved not just by PAS but also by the Minister following consultation with the authority and the board. The Minister will have to have regard to the views of the authority and the board when agreeing those criteria.

We have a clear, independent process. While the Minister will start it, there will still have to be full engagement with the authority, being led by the board, and it will still have to go through the PAS. The challenge more broadly with opposing the section is that nothing is proposed to replace it, so we would be left without a clear process as to how to appoint a Garda Commissioner, which is vital. For that reason, I cannot agree to deleting the section.

Senator Lynn Ruane: I will waive my opposition to the section at this point and come back on Report Stage with an proposed alternative section. My assumption is the process is laid out in how we have previously done it but as for this legislation specifically, I will withdraw my opposition to the section, reserving the right to submit amendments that will protect the current model whereby the Policing Authority is part of the selection process for the Commissioner.

Question put and agreed to.

SECTION 27

Question proposed: "That section 27 be deleted."

Senator Lynn Ruane: I oppose the section, in a similar vein to the previous section. The Bill will provide for the appointment of the deputy Garda Commissioner and we oppose the entire section given its inclusion poses similar risks to section 26 in politicising the office of deputy Garda Commissioner.

Deputy Helen McEntee: Likewise, I cannot agree to the section's deletion given the Senator does not propose to replace it with anything else. Moreover, the objective is that the new authority will be more of an oversight structure, whereas governance will be dealt with directly by the board. That is why the board will be the body leading out in consultation with the Minister but still engaging with the authority.

Senator Lisa Chambers: On the appointment of the deputy Garda Commissioner role, an issue arose a month ago regarding the recruitment process for that role and this is an opportunity to raise it. I acknowledge we are talking about it in the context of a process but is information on the status of that recruitment process available? It speaks to a broader conversation about the role of deputy Garda Commissioner, the lead person in the State for intelligence and national security, and that brings with it a certain level of responsibility regarding who is ap-

pointed to the role. The Minister will be aware of the conversations taking place about when that person may be from another police force or jurisdiction because he or she has access to intelligence information, witness protection lists and informants. Listening to others who have spoken about this issue, and knowing there has been extensive coverage of it by *The Irish Times* and RTÉ, there are concerns in the security community about somebody coming from another jurisdiction. The UK or US, for example, would certainly not consider somebody for a lead intelligence role who did not come from the domestic jurisdiction. The Minister might be able to shed some light on where that recruitment process is.

Where the legislation lays out this process, it refers to the "criteria relating to knowledge, ability and suitability for appointment to the rank of Deputy Garda Commissioner". Would something of that nature be considered if the person in question is the person charged with national security and intelligence in the State? What type of criteria would be applied to that recruitment process? Does the Minister acknowledge that there would be concerns among those working in the security sector about somebody coming from an external police force into that role? We have to take national security seriously. We have heretofore taken a very *laissez-faire* approach to it. We should take on board the expertise offered by people in other jurisdictions.

Maybe we have felt very secure to date in Ireland and we have been largely protected by our geography, but the geopolitical situation globally prompts us to review how we deal with national security in the State. In some ways, not having a separate national security agency and everything coming under the remit of An Garda Síochána poses challenges for us. Maybe that is something we need to look at. There have been calls in this House by other colleagues to look at that. Perhaps the Department could consider that too.

This Bill is far-reaching. It provides for significant reform, which is to be welcomed. We are not against progress, reform or changing how we do things for the better. Later, we will talk about some reforms happening at a local level. The Minister will be aware of the issues being raised by my party regarding joint policing committees and the changes happening there. I will take the opportunity when that arises to discuss the amendments my party has tabled. We hope the Minister will look favourably on them.

Getting back to the point of the reform taking place here, there is an opportunity for us now, given the extensive change the Minister is bringing about with regard to how we do policing in the country, for us to take a more serious look at national security and intelligence, the role of An Garda Síochána in that and who is charged with that responsibility. That has not happened to date, which is not a criticism of the Minister. Historically, we have been hands-off when it comes to the issue. Given that we are engaging with other police forces around the world and seeing the more recent work in the Minister's Department, we need to be taken more seriously on this front. That means the criteria that we apply to the appointment of the deputy Garda commissioner, if he or she is still to be the person charged with that work, which is another question that needs to be looked at, need to ensure his or her suitability for that role, given what that person will be dealing with and the information he or she will have access to. I say this in the context of whatever potential future governments we may have. This issue has never been more important or pressing. I ask the Minister to address where that recruitment process is and if she is minded to consider the issues I have raised about the appointment process of a future deputy Garda commissioner if he or she is still charged with the intelligence role within An Garda Síochána.

Deputy Helen McEntee: All those involved in our national security, particularly in An

Garda Síochána, have always taken their role seriously and will continue to do so. We have a number of deputy commissioner roles in positions dealing with a number of different matters. To be clear, no person would be or will be appointed to any security position where he or she might pose a particular threat or might not be appropriate. I reaffirm that position, which I have stated many times. The competition is in process. It closed in the last number of weeks and we have to allow it to continue. Issues were raised. The Senator might be aware that her colleague brought a memo to Government today to review a particular standard fund threshold, which is an issue that was raised. That review will be completed by the summer and potential recommendations might be made in that regard.

Regarding the criteria, the process proposed in the Bill is that the board, instead of the authority, would lead the charge in the appointment process, engaging with the Minister but also the authority to set out the criteria and working closely with the Public Appointments Service. As is the case with any legislation, we would not be overly prescriptive as to what that needs to be, and I do not intend to change that. An independent security body will be established through the Bill to review our security legislation and examine potential weaknesses and changes that need to be made. That is new in this legislation.

Senator Lisa Chambers: I am aware of the work the Minister for Finance is doing on the pensions issue. Is it the Minister's intention to wait to conclude the process until that work has been done? Will the role be left vacant until that point? I understand that would take some time. I also understand the need to let the process take its course.

On the recruitment process and the applications having closed, can the Minister inform the House as to whether any senior members of An Garda Síochána have applied for that position? I agree entirely that those working in the security sphere within An Garda Síochána take their role seriously and I am glad to hear the Minister say that nobody will be appointed to the role of deputy Garda commissioner with responsibility for intelligence where that appointment would pose a threat to our national security or would not be appropriate. In that context, I ask her to consider the advice from people in other jurisdictions with significant experience in this area. They believe, as do I, that the reason it is not appropriate to appoint somebody from another police force or jurisdiction to a lead intelligence role in national security in this State is that if they have links to another country, including perhaps family members living in another country, they could be open to having pressure exerted on them. That is just the nature of how these things often work. It is through no fault of their own but these are the risks involved with having somebody in that role who may have may have additional exposures that domestic applicants will not have. That is what I refer to when I speak about this.

Despite the level of change and reform the Bill is making to our policing system, this issue has not been properly or adequately addressed by the Government. We are taking a very hands-off approach as though it will all be fine until it is not fine. The issue has arisen because the pensions issue just happens to have highlighted it and brought it to the fore. We need to take a more focused look at it, rather than waiting for something to happen before reacting, as is often the case in many Departments on many issues. It is not a criticism of the Minister's work - there is a lot of good reform - but this is one area where we need to be proactive rather than being reactive and waiting for something to happen before we act.

Senator Robbie Gallagher: I concur with much of what Senator Chambers said. This is wide-ranging legislation that makes a great deal of change. The Senator's specific point on the security aspect of appointments at the highest level of An Garda Síochána is well made and de-

serves attention. We are very fortunate that we have people of the highest calibre and of great intelligence serving within the ranks of An Garda Síochána. I am sure they have collectively the ability and capability to undertake any tasks, as history has shown us and no doubt we will see in the future. When these appointments arise, we have to make sure the net result is that we get the best people for the jobs. If that means looking elsewhere, that is fine but we should think long and hard before we leave our own shores, so to speak. As I said, people of the highest ability in the ranks of An Garda Síochána have served this nation well over the years and I have no doubt we still have people who are capable of performing any role up to and including the rank of Garda Commissioner.

This is a massive, far-reaching Bill that changes many things. As Senator Chambers mentioned, Fianna Fáil Senators have tabled amendments, as have colleagues on the other side of the House, on issues relating to the new community policing body being set up to replace the JPCs. We sincerely hope the Minister will look favourably upon them. We need accountability in all of these organisations.

Accountability in regard to what we are talking about is vitally important. Nobody is more accountable than the elected representatives across all ranges of Irish society. We are very fortunate that we have people of the highest calibre serving on local authorities. They are accountable unlike no one else on the committee in that they have to put themselves before the people every five years to get re-elected if that is their wish. They are not contactable 9 a.m. to 5 p.m. but they are contactable 24-7. They are the only people on the new committee the Minister is putting together who will be contactable 24-7. We should think long and hard before we dispense of their expertise and local knowledge. They play a vital part in our local democracy and it is important that every strand of democracy that we have has people who are accountable, including on that committee.

Deputy Helen McEntee: I understand, in respect of the Senator's comments, that there are two issues in regard to the deputy Garda Commissioner. An issue arose in the past number of months which was raised by those seeking to apply to a particular position. As I have said, a memo responding to that came before Cabinet today in respect of undertaking a review of a particular threshold. I have no doubt the review will be concluded in the summer. Minister McGrath will respond to that.

In terms of the system, I am not sure where the Senator is suggesting the gap is. The selection criteria, in terms of how somebody with a security background or a particular person should be appointed to that role, will never be put into primary legislation. That relates to the structure itself. The board, working with PAS, and in consultation with the authority at the direction of the Minister, is where the criteria are set out. If there is a particular position of deputy commissioner where the role includes national security, of course criteria would be set out that any person appointed cannot have any negative impact on that role and cannot impact on security, national or otherwise. That will not be put into primary legislation. That is how is it set out at the moment. I do not think there is a gap, in that sense. The competition is ongoing and we need the process to continue.

Regarding the section and the appointment more generally, we are clearly defining that the authority, which is an amalgamation of the previous policing authority with the inspectorate, would have an oversight mechanism instead of a governance role, which it had previously. There is a shift because it will not deal with governance; the board will. They are, essentially, the changes the section is making and simply reflect the fact that the authority will now be the

oversight body and the board will be the governance body, whereas previously the authority took on that role. That is why it started the process of the overall appointment of deputy Garda Commissioner or Commissioner.

Senator Lisa Chambers: The Minister asked where the gap is. I was not suggesting that she put into primary legislation something to the effect that somebody from An Garda Síochána should be appointed, although that is what I think. We have to consider people serving in our police force for the head of intelligence.

The reason we had this conversation in the Chamber is that if ever this were to be looked at in terms of the intention of the legislation and the Minister, the debate in this House and the other House will be read to determine what was intended. The reason I asked questions during the debate around suitability for the role was to draw out what we mean by the term "suitability" and put on the record that I think people are not suitable for the role if they are coming from an external police force and are charged with national security intelligence services. That is the conversation we needed to have.

The Minister is the person in the job at the minute, and I sought to make these points in the context of overall policy changes in the Department and how we do policing. The issue of national security has not been taken seriously enough and people in the sector have said we need to have a greater focus on this. We want to ask the Minister to examine that when the Bill has concluded and do a little bit of work on the whole area of national security and intelligence. It has been left to the side.

My fear is that we will wait for something to happen before we react, as we often do. We need to listen to people who have expertise in this area who have said that what we are currently doing is not sufficient and we are not taking things seriously enough. There is an opportunity under this section to make that point. The current role lies with the deputy Garda Commissioner.

2 o'clock

However, I take the point. I am not suggesting that the section needs to be amended in any way, more that we have the intention behind it on the record.

Question put and agreed to.

Sections 28 to 30, inclusive, agreed to.

SECTION 31

Acting Chairperson (Senator Eugene Murphy): Amendments Nos. 27, 28, 33 and 34 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 27:

> In page 41, between lines 15 and 16, to insert the following:
>
> "(d) the person has engaged in conduct that brings discredit on An Garda Síochána or that may prejudice the proper performance of its functions, or".

Amendment No. 27 seeks to include a provision in the Bill that the Commissioner or deputy commissioner of An Garda Síochána could be removed from office in circumstances where

the person has engaged in conduct that brings discredit to An Garda Síochána or that would prejudice the proper performance of its functions. The Bill sets out the other circumstances by which a Commissioner or deputy commissioner can be removed from office before the natural conclusion of their term to include the failure to perform their functions and the engagement in conduct that brings discredit on the office of the Commissioner or deputy commissioner.

Amendment No. 28, like amendment No. 27, seeks to insert an additional provision in the Bill that could see the Commissioner or deputy commissioner removed from office in circumstances where their removal from office would be, in the opinion of Government, in the best interest of public safety. The Bill currently provides that the Commissioner or deputy commissioner can be removed if, in the opinion of the Government, it is in the best interest of An Garda Síochána. While it may be implied that what is in the best interest of An Garda Síochána is in the best interest of the public, it is our view that public interest should have precedence and, therefore, explicit reference. Within this, however, it is the issue of the Government being able to remove a Commissioner and deputy commissioner as it sees fit. Like the Government being able to directly appoint the Commissioner, this provision risks being politicised. We should look to insert safeguards to prevent the abuse of this provision by Governments and, therefore, reserve the right to introduce an amendment on Report Stage that would mandate Government to consult with relevant stakeholders, including but not limited to the Policing Authority, before taking the decision to unilaterally remove a Commissioner.

Amendment No. 33 inserts a provision that would facilitate the suspension or removal from office of an assistant Garda commissioner or chief superintendent in circumstances where the person engages in contact that brings discredit on the Garda or that may prejudice the performance of its function. It has a similar intention to amendment No. 27 but specifically relates to the assistant commissioners and chief superintendents. Importantly, unlike amendment No. 27, the relevant section contains a safeguard that ensures that board approval must be sought prior to the provision being acted on.

Like amendment No. 33, amendment No. 34 expands the circumstances where an assistant Garda commissioner or chief superintendent can be suspended or removed from office to include circumstances where it would be in the best interest of public safety. This amendment has a similar intention to amendment No. 28, discussed already, but like amendment No. 33, it relates specifically to the offices of the assistant commissioner and the chief superintendent.

Deputy Helen McEntee: It is not that I disagree with the overall objective of the amendments, but similar to previous conversations, I am not sure they are necessary because many of them are covered in what is already in the Bill.

Regarding amendment No. 27, while I do not disagree that such conduct could be reason for removal of an officeholder, the functions of the Garda are set out in section 33 of the Bill and this includes the direction, control and management of An Garda Síochána, so it is difficult to conceive of a conduct that would bring discredit on the office of the Commissioner that would not bring discredit on the Garda as whole or An Garda Síochána more generally. Section 31(1)(b) relates to the organisation itself. It states that the removal of the person from office would, in the opinion of Government, be in the best interests of An Garda Síochána. That part in particular clearly states the reason a person would be removed is because it is in the best interest of An Garda Síochána more broadly. That is the reason amendment No. 27 is not necessary.

On amendment No. 28, the question is why we would single out public safety. I note it is in

a separate amendment, namely, amendment No. 34, as well that the removal of a person from office would, in the opinion of the Government, be in the best interest of An Garda Síochána or public safety. Again, it is overly prescriptive. There is not necessarily a rationale as to why we would single that out when the role of An Garda Síochána is to keep people safe. If that is in any way impacted, it would be grounds for some form of dismissal. Again in amendments Nos. 33 and 34, the change is "to discredit of An Garda Síochána" as opposed to the office. This is very much linked with the first one, where a person has engaged in conduct that brings discredit to the office, by nature they are then bringing discredit to An Garda Síochána more generally. As I said at the outset, there is a particular provision in the Bill at section 31(1)(d) relating to the organisation, which states that removal of the person from office would, in the opinion of the Government, be in the best interests of An Garda Síochána. I know it is language and words. The overall objective the Senator is trying to reach is already reached in the legislation and the wording not just in this section but in other sections as well. For those reasons I will not be accepting the amendment.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 28:

In page 41, line 17, after "Síochána" to insert "or public safety".

Amendment, by leave, withdrawn.

Section 31 agreed to.

SECTION 32

Acting Chairperson (Senator Eugene Murphy): Amendments Nos. 29, 30, 155 and 156 are related and may be discussed together by agreement of the House. Is that agreed? Agreed.

Deputy Helen McEntee: I move amendment No. 29:

In page 42, between lines 33 and 34, to insert the following:

"(3) A person who does or omits to do anything that, if the inquiry were a court of law having the power to punish for contempt, would be contempt of such court, is guilty of an offence and is liable, on summary conviction, to a class C fine or to imprisonment for a term not exceeding 6 months, or both.".

During the Dáil debates on this Bill, it was noted that the sections providing for judicial inquiries lacked any penalties for non-compliance with the rulings of the judge in such inquiries. While the original intention of the Bill was that the common law powers of a judge could be used to enforce such penalties, I am now advised that such powers can only be used when a judge is sitting in a court. They are not applicable to these types of judicial inquiries. The Attorney General has now advised that express provision should be made for such penalties for non-compliance with an inquiry. I want to acknowledge Deputies Ó Ríordáin and Howlin for flagging this particular issue. Accordingly, these amendments make it an offence for a person to do or to omit to do anything that, if the inquiry were a court of law, would be considered contempt of such a court.

Amendment agreed to.

Deputy Helen McEntee: I move amendment No. 30:

In page 42, line 36, after "offence" to insert "(other than an offence under subsection (3)#)".

Amendment agreed to.

Section 32, as amended, agreed to.

Sections 33 to 35, inclusive, agreed to.

SECTION 36

Senator Lynn Ruane: I move amendment No. 31:

In page 45, between lines 9 and 10, to insert the following:

"(c)significant developments that might reasonably be expected to adversely affect the performance of An Garda Síochána;".

This is a simple enough amendment that would mandate the Garda Commissioner that he or she be duty-bound to keep the Minister and Secretary General at the Department of Justice informed of any significant developments that might adversely affect the performance of An Garda Síochána. As drafted, the Bill provides that the Commissioner must keep the Minister informed of developments that might impact public confidence in An Garda Síochána but not on their performance. While public confidence is indeed impacted by performance of An Garda Síochána of its functions, the same is not the case of the reverse. It seems like a sensible provision in circumstances where the Commissioner is aware of developments that would adversely impact the performance by An Garda Síochána of its functions that the Minister would be fully informed. Perhaps this is already mandated in other sections but I do think it is a simple enough amendment that will give extra clarity within the Bill in terms of it also being in respect of performance and not just functions.

Deputy Helen McEntee: As I have said in many instances, while we are trying not to be overly prescriptive in the legislation in adding in specific criteria for certain things, I think what is being proposed in this amendment more or less reflects what actually happens more generally and what happens now. For that reason, I am happy to accept this amendment.

Amendment agreed to.

Section 36, as amended, agreed to.

Sections 37 to 42, inclusive, agreed to.

SECTION 43

Senator Lynn Ruane: I move amendment No. 32:

In page 49, between lines 21 and 22, to insert the following:"(6) In making a determination under this section, the Garda Commissioner shall have due regard to the capacity of An Garda Síochána to fulfil its regular functions.".

Section 43 makes provision for policing services to be provided for private events by An Garda Síochána. I refer to events like concerts, sporting events, festivals and conferences.

This amendment simply inserts a qualifier stating that in making a determination in respect of a request for policing services "the Garda Commissioner shall have due regard to the capacity of An Garda Síochána to fulfil its regular [everyday] functions".

While I am sure it is the case that the policing of private events is facilitated through the use of Garda overtime, etc., I think it worthwhile to acknowledge the potential impact that private events could have on everyday policing matters and to ensure the Commissioner would consider this prior to agreeing to a private request for policing services.

Deputy Helen McEntee: This section is an enabling one rather than being overly prescriptive. What the Commissioner always has to do is look at whether this is in the public interest. It has to be consistent with the functions of An Garda Síochána and he or she must make sure it does not impact on the role of the Garda or potentially take away from resources. Again, I think we are being overly prescriptive in adding this measure on top of it. It is very clear at the moment that this is a role the Garda may take on or it is a duty they may be part of, for example, when large events or matches take place on particular days where the Garda are naturally there and it is part of their overall duty, so there might not even be an agreement in place. This is to allow for a particular agreement to take place rather than getting into too much detail as to the regard the Commissioner may or may not have. It does have to be in the public interest to provide this type of service, and any charge, but the Commissioner would also have to make sure that it does not inhibit the Garda's work more generally on that day or any day-to-day basis.

Senator Lynn Ruane: I am thinking of public interest underpinning the decisions on where police are deployed or not deployed. I think that makes sense.

When we look at the prosecutorial powers of members of the Garda, I question whether it is in the public interest to keep guards in courts. Is there another part of the legislation where decisions are made that are not in the public interest? I am not sure if I am pronouncing "prosecutorial" right. I am not sure whether it is in the public interest that guards are in court. I accept that public interest would definitely underpin concerts, matches and other such events. I suppose this is more of a comment.

Deputy Helen McEntee: In response to the Senator's last point, we are always looking at ways in which we can free up front-line gardaí who are perhaps in roles that can be done by other people, be it in the courts, areas relating to immigration or other types of roles they have been in previously. We have seen how gardaí have been freed up. A report is ongoing at the moment on the prosecution role, which I will be able to bring to Cabinet in the near future.

This section is about not over-prescribing the use of the Commissioner's professional discretion to manage the organisation in the way he or she sees fit. That is what we are trying to do. It is an enabling provision. At all times the Garda Commissioner has to be mindful of the resources he or she has and how they are being allocated. There might be a situation where the resources are deployed anyway without an ask from a particular organisation or for an event that is taking place because it is deemed in the public interest or necessary for public safety.

Amendment, by leave, withdrawn.

Section 43 agreed to.

Sections 44 to 47, inclusive, agreed to.

SECTION 48

Senator Lynn Ruane: I move amendment No. 33:

In page 51, between lines 18 and 19, to insert the following:"(c) the person has engaged in conduct that brings discredit on An Garda Síochána or that may prejudice the proper performance of its functions, or".

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 34:

In page 51, line 20, after "Síochána" to insert "or public safety".

Amendment, by leave, withdrawn.

Section 48 agreed to.

Sections 49 and 50 agreed to.

SECTION 51

Acting Chairperson (Senator Eugene Murphy): Amendments Nos. 35 and 36 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Lynn Ruane: I move amendment No. 35:

In page 54, line 9, after "Síochána" to insert "or public safety generally".

Section 51 provides for the removal of members below the rank of chief superintendent for reasons of public confidence. As drafted, members could be removed from office where public confidence is undermined by their continued membership. As with similar amendments that I have already spoken to, my intention in tabling this amendment is to tease out the distinction between public confidence and the exercise and fulfilment of functions of a member of An Garda Síochána. My view is that public safety should be the primary consideration when considering the removal of a member of An Garda Síochána. This amendment reflects and acts on that by referring to the impact of the continued membership of the individual in question on public safety generally.

Amendment No. 36 is consequential to the previous amendment which states that the Garda Commissioner shall have regard to the impact on public safety generally of the continued membership of a member of an Garda Síochána before issuing an order for dismissal. This amendment would provide that a member could be dismissed where his or her dismissal is necessary to maintain public safety in a general sense.

Deputy Helen McEntee: Again, I believe this amendment is overly prescriptive. We are trying to ensure there is a particular ability for the Garda Commissioner to dismiss somebody below the rank of chief superintendent for reasons of public confidence. The section is sufficient to cover the broad headings for any consideration. There would obviously still have to be a disciplinary process but by reason of a member's conduct, the section outlines that this would include any act or omission. It is, therefore, broad enough to cover anything. Obviously, there would have to be a particular process. The amendment is overly prescriptive. There is no clear rationale as to why we would include public safety when obviously the role of An Garda Sío-

chána is to keep people safe. Therefore, if a member engages in any type of an act or omission that might jeopardise public safety, that would fall under this particular area. As I said, there would still have to be a disciplinary process. This is an enabling section to allow the Garda Commissioner to start that process.

Senator Lynn Ruane: I probably sound like a broken record but we often do not think about public safety in terms of occasions when gardaí are overly aggressive or abuse stop and search powers. The use of stop and search powers is for other legislation at another time, however. Sometimes public safety can be threatened in particular communities because some gardaí do not necessarily work towards having a positive relationship with the community and they can be verbally or physically aggressive. That also has an impact on public safety because it creates a sense of unsafety in certain communities when there is a garda present. While it is really obvious when we look at the public safety of society as a whole, in more micro situations, where some gardaí are extremely or unnecessarily heavy-handed in certain situations, it affects public safety in the long term because it affects the relationship between particular communities and An Garda Síochána. I will withdraw the amendments. I am trying to stretch out the idea that when we think of public safety it is not always as obvious as an incident or something easy to point at. It is also about how we engage more generally with policed communities and the fact that some gardaí actually do a disservice to any sort of relationship building between An Garda Síochána and particular minority groups, etc.

Amendment, by leave, withdrawn.

Senator Lynn Ruane: I move amendment No. 36:

In page 54, line 10, after "confidence" to insert "or public safety generally".

Amendment, by leave, withdrawn.

Section 51 agreed to.

SECTION 52

Question proposed: "That section 52 stand part of the Bill."

Senator Lisa Chambers: Section 52 deals with the Garda Reserve. While I have no difficulty with the section, I should point out that the potential of the Garda Reserve has been raised a number of times in the House, in particular, by Senator McDowell. In the context of the challenges we face in recruiting and retaining gardaí for many reasons, we are working to improve the lot of trainees and getting more people into the Garda. There is untapped potential within the Garda Reserve. The section refers to a garda reserve having the same duties and responsibilities as a serving member of the Garda and that the roles effectively can be the same if that is the direction.

There is an opportunity here to review how the Garda Reserve is working and to examine its potential more broadly, acknowledging that, because it is a volunteer role, people do not come to that role in the same way they come to working as a permanent member of the force, where that is their full-time job and what they do day in, day out. I say this as somebody who served as a member of the Reserve Defence Force for many years. It is a different role. It is a supplementary role. We work with our permanent colleagues but we come at it from a different angle and bring to the role expertise and experience from other jobs and other professions we

might have. Somebody could come in who might be a teacher or an engineer by profession or a farmer and he or she brings different expertise to that role. Given the challenges in recruiting the number of gardaí needed, which will probably persist for some time, there is an opportunity to utilise the Garda Reserve more fully and have a deeper examination as to the kind of role it could play and the kind of role it wants to play.

It would be worth having a conversation with serving members of the Garda Reserve, particularly those who may have joined and dropped out or where it did not work out, to see what could have been done differently. The numbers are not where they need to be. There are people who would join the reserve if it were made a little easier to do so and if the role were more distinct from serving as a permanent member of the force. I ask that in the context of the overall reforms of how we police that we would have a deeper look at the Garda Reserve and how it could be better utilised and maybe some sort of outreach into secondary schools at leaving cert level or into colleges and into areas where people are retired and would like to come back and have expertise to offer. There is great potential there and it has not got off the ground to the extent we would have liked. It is great to see that it has been dealt with in the Bill and that there is still a focus on the Garda Reserve and a desire to do more with it but I am keen to hear the Minister's thoughts on where she sees the Garda Reserve going within this reform process and what she thinks the potential is there for it. There is great scope there to do more with it. There is a lack of knowledge or understanding. When talking to ordinary members of the public, they are not really aware of what the Garda Reserve does or how they can join it. Perhaps another recruitment campaign could be run to try to encourage members to come in because people would be interested if they were reached out to. That would nearly need to be done regularly until it becomes bedded in and people are aware how to join because they are not fully aware yet how to do that.

Those are just some thoughts as the opportunity arose to raise them under this section.

Senator Victor Boyhan: I highlight what Senator Chambers said. It is a very important point. We need a renewed focus on the Garda Reserve. I have had a good few friends in the Garda Reserve, more than half of whom have left. They are very discontent with the whole setup, disappointed with what they see inside Garda stations and disappointed that they were sent to police rugby matches. People have told me they arrived and were told they were not really wanted at the station. There is a huge suggestion of bullying and intimidation within An Garda Síochána as regards these reserves, from what people have told me. I know one person who suffered major mental health issues as a result of his time within the Garda Reserve. He was a broken person as a result of it all. He came with great ambition to be a garda. Thanks be to goodness, he is now in IT. He has just turned out with his master's and is working for an American company in Dublin. He did information technology. What a skill set to bring to An Garda Síochána. That is an important point.

We need a renewed focus on this but we need to define clearly the role of reserves. It is certainly not to be standing around parades, it is certainly not to be thrown out of stations and it is certainly not to be going to the local chipper for chips or to Chinese takeaways. That is, sadly, what people have shared with me. That is the story, and I want to tell it to the Minister. This is our platform. This is an opportunity where I can share that with her. They tell me that there is systemic bullying in the Garda Síochána in respect of reserves. Their numbers have gone down. One man who was in the Garda Reserve, I am delighted to say, will be running in the local elections - not in Dublin. I do not want to identify him. He had so much to offer the community. I said to him, "You can do other great things in the community, so why not run in

the local elections?" We need to understand that there are older people who may have opted out of something. There is a cut-off point. I recall another person who was asked to leave at a certain point. People who reach the age of 65 or 68 are not redundant or useless. They have life experience and lived experiences. I believe they can be a positive force for goodness and change.

We also have many people, reservists, with other skills who could be doing administrative work. We do not need all our highly skilled members of An Garda Síochána behind desks. It is challenging. We need to recruit them but before we start on a recruitment drive, we need to clearly define what the job is. There are many good people and many gardaí, superintendents, sergeants, etc., in divisions all over the country who are very supportive of reservists. I would not like to think it was a common problem. However, many people I know who were in the Garda Reserve have told me the same story. Therefore, we need to revisit it and define what their role is. We need to be clear on a line they can take up if they feel in any way pressurised or intimidated.

The other side of the Garda Reserve is that it is a great screening process or a great teaser or introduction to An Garda Síochána. People come into something like that and then decide after a year or two that it is not it is not really for them. That is another particularly important point.

Finally, I ask that in any reform of the Garda Reserve or when we are looking at it again, we put in place a confidential exit interview process. We have much to learn from people who leave here and who leave politics. We have much to learn from people who leave An Garda Síochána. I would like to see a very professional exit interview system in place in order that we can learn, because some of these people say that, yes, they are prepared to come and meet people to whom they can talk in confidence. They want to share their experiences and contribute for people coming behind them who may like a more positive experience as a Garda reservist. There is really a place for Garda reserves. There is in-house training for the people who are there but there has to be a mechanism of finding out why so many people are leaving, why they are not staying and why they are not valued. There is much to be learned. Therefore, before we throttle out all the reforms, we need to identify what the issues are for the people involved and see how we can learn from that to put in place a more strong, robust and healthier workplace for our Garda reserves.

Senator Sharon Keogan: I thank Senator Chambers for poking us all on this particular issue. The Garda Reserve is a very valuable resource in this country that is absolutely not tapped into. I thank Senator Boyhan for his contribution. This is an issue that Senator McDowell has been raising for the last number of years and nothing has been done - absolutely nothing has been done on this. The Garda Commissioner has done nothing on it. That is the reality of it. It is now a depleted force. There are approximately 300 people in our Garda Reserve programme at present. A person can enter into the Garda Reserve from the ages of 18 to 60. It is a voluntary role, but if a person does do more than 200 hours, he or she can get a contribution of €1,000 towards expenses or something like that. That is actually part of the scheme as well. There is no reason these people cannot be doing administrative roles, however. There is no reason why we cannot bring retired gardaí back and maybe give them a tax rebate on their pension or something like that to take up some Garda Reserve roles. There are loads of ways in which we can increase participation in the Garda Reserve programme but there does not seem to be a will to do that. Whether it is the Minister or the Garda Commissioner, we need to do much more to increase the numbers we have within our Garda Reserve force at this moment. Those people may lead on to join the Garda down the line, but they may not. It is a very valuable resource

that this Government is not tapping into, however, and nor is the Garda Commissioner. The Minister needs to find out why and if not, why not, and what he is going to do about it.

Senator Robbie Gallagher: I concur with the sentiments of the previous speakers regarding the merits of the Garda Reserve. I noted from comments at a previous debate in this Chamber last week that the Minister indicated that moves were afoot perhaps in the first quarter of 2024, and she might correct me if I am wrong, regarding a recruitment campaign in relation to getting people to sign up for the Garda Reserve. That would be very much welcome. There is no doubt but it can be a very valuable resource.

It is worth mentioning at this point is that, yes, there needs to be a public awareness campaign regarding the recruitment campaign for the Garda Reserve. As my colleague said, perhaps an ongoing programme would be beneficial in that regard. It is critical, as part of that campaign, that the exact role of a member of the Garda Reserve is clarified. It is essential that anybody who contemplates joining the Garda Reserve is clear about the job description. Perhaps that is part of the reason the campaigns failed before. Knowing the job description would ensure that anybody who signs up is under no illusion about the job description for a member of the Garda Reserve, what a member is entitled to do and, even more importantly, what he or she is not entitled to do.

We cannot ignore another aspect concerning the existing Garda force. We are all aware that there is stress as regards numbers and a lack of personnel. We all accept that. As the Minister alluded to on a previous occasion, we all accept that the chairman of the Policing Authority said that had Covid-19 not struck our shores and had the Garda College been up and running as per normal, there would be an additional 1,000 members in the force today. Everybody will have to accept that as a reasonable point and I certainly do. If we had an extra 1,000 members in the Garda Síochána today, it would make a big difference because the reality is, which I think everybody accepts, the number in the force is not where we would like it to be and, as a result, we rob Peter to pay Paul when situations arise like the one that arose in this city less than two weeks ago. We must increase the number in the force to give us more flexibility, which is a job of work that the Minister is focusing on and rightly so. We must get more people through the door and, first, as members of the Garda. That is vitally important and we must keep a close eye on the issue. As I often say, it is all fine and dandy getting people to join and come in the front door but if they are resigning and going out the back door before they are meant to, that must be examined as well. Exit studies are being conducted and I respectfully suggest that this work be fast-tracked to talk to those who are leaving and ask them why they are leaving. The representative associations must also be consulted as they have first-hand information from their members as to why people are leaving. We need that information because responsibility for an individual who joins the Garda Reserve will be with the garda who is on duty with him or her at any given moment in time. It is a big responsibility taking someone in who may not have any training whatsoever concerning the role of a member of An Garda Síochána. There is a big responsibility on the garda who accompanies a member of the Garda Reserve as they go about their duties, and the garda must look after the individual.

First, it is important that a recruitment campaign be conducted. I commend Senator McDowell who has been a consistent voice on this issue in this House. On various occasions he expressed frustration at the fact that the Government was slow to move on recruitment. There is no getting away from the fact that we have been slow but the Minister has mentioned here previously, including last week, that we can expect a bit of movement in the first quarter of next year, which is to be welcomed.

Second, it is critically important that the job description of the Garda Reserve is laid out for the benefit of everybody who joins. I commend those who join the Reserve. It is public service at its best where people, such as retired people, like Senator Boyhan indicated, would like to play a part and give something back to society. These people give up some of their free time to be on duty mostly during antisocial hours. They are to be commended on that as they want to give some service to the State. The least they deserve is to know the job role and what is expected of them.

Senator Keogan mentioned the issue of providing small rewards, financial or otherwise. We should be as generous as we can when it comes to remunerating members of the Garda Reserve for their service. They are not going to get a full-blown wage for what they do, nor do they expect to. However, at the same time, if we make it a bit more attractive from a financial perspective, people will think it is worthwhile. Individuals who are already in employment, perhaps young people who are saving for a mortgage deposit, might see this as a possibility to earn some additional income. It would make good financial sense for the State to look at that proposal in great detail because there is potential there. We would still be getting a resource for a third of the price a fully trained member of An Garda Síochána would cost the State. We cannot do it on the cheap. We need to respect those coming in because it is a very responsible job and, as we all know, quite a dangerous one. To expect people to do it free and gratis is probably stretching it a bit too much. It is not like delivering meals on wheels. That is also a very responsible job but this is a dangerous job and we need to respect and acknowledge that and to be as generous as we can, as a State, in remunerating those who would give up their free time for the State, the public and the communities they serve. We need to acknowledge that.

In summary, it is a good idea and I commend Senator Chambers on, as Senator Keogan has said, setting the ball rolling in respect of this particular section. It has the potential to be an additional arm for the State and for the Garda. However, responsibility comes with that. If I was a member of An Garda Síochána taking someone out with me tomorrow morning, I would have big responsibilities as an individual garda. If numbers are tight and people are under pressure, that pressure will be pushed onto that Garda Reserve member. In an ideal world, I would like to see a lot more gardaí before we start but, unfortunately, we are not in that space and we cannot afford to wait to get into it. We need additional help. If we make the role as attractive as we possibly can and define the boundaries of the role, it could be and, I hope, will be a valuable asset to gardaí as they go about their daily duties. I look forward to that campaign. Will the Minister confirm when it is due to begin because the sooner, the better? I again commend Senator McDowell, who has been a constant champion for this idea, on raising it on a regular basis.

An Leas-Chathaoirleach: The question is "That section 52 stand part of the Bill."

Deputy Helen McEntee: May I respond? I had better after all of that.

(Interruptions).

Deputy Helen McEntee: I meant after all of the contributions.

Senator Robbie Gallagher: If the Minister would like me to repeat any of it, I am happy to do so.

Senator Victor Boyhan: I would say three words would cover it.

Deputy Helen McEntee: I support Senators in their contributions and agree with them

that the reserve plays a really important role in supporting An Garda Síochána and in assisting gardaí in their work. The workforce of An Garda Síochána includes front-line gardaí, civilian staff and our reserve and we need to look at the overall numbers for all three areas. Senators are right to say that the numbers have dropped. While the number of gardaí had increased, it dropped during the Covid pandemic because of the closure of the college to new recruits. The number of civilian staff has continued to increase but the number in the reserve has not continued to increase in the same way. The last competition was in 2017. There was to be a new competition but it was decided that there needed to be a review of the regulations we had because a competition had not taken place in some time. That review has already taken place. It looked at the role and duties of the Garda Reserve as it supports and complements the work of the Garda. Following on from that review, new regulations are being developed. There was engagement with all of the relevant associations. That engagement has already happened so the Commissioner will be in a position to open up a new competition early in the new year. That will coincide with a new recruitment campaign for An Garda Síochána more broadly.

At the moment, if somebody does more than 208 hours per annum, he or she can be remunerated up to €1,000 but the position of reservist is voluntary and this is just to cover the costs reservists might have incurred, including travel and other expenses. Work is being done and there has been work on reviewing the overall role of the reserve, which has resulted in new regulations I will be able to sign off on shortly. There will be a new recruitment campaign early in the new year. The more who apply, the more the reserve can support the work of An Garda Síochána more generally. I support the role of the Garda Reserve and hope to see new recruits in the new year because many of them then go on to became gardaí and it is an opening mark for many of them.

Question put and agreed to.

SECTION 53

Question proposed: "That section 53 stand part of the Bill."

Senator Lisa Chambers: I want to take this opportunity to talk about the admission of trainees, which is dealt with under this section. Somebody close to me has recently gone through the process of applying to join the Garda. They have gone through the fitness test, the interviews and all that goes with that. It was quite a lengthy process. It started at the beginning of this year and that person is still awaiting their date for call-up. There is a particular process to go through and the individual concerned had no difficulty going through those processes. Each step that person went through was valid but they are left in limbo waiting for their date and there is a lot of uncertainty. Between each stage there is a considerable wait time. Is there any prospect of speeding that up?

While you are going through that process you do not know what your employment situation will be or when you will get your start date. It makes it difficult to apply for another job while you are doing that and waiting to see if you will be successful or unsuccessful. It is taking a long time to get from the beginning of the process to walking in the doors in Templemore. I know the Minister has done a lot of work to try to speed up the process and get people through a bit quicker but from my first-hand experience, I have seen how long it took to get from step A to step B and step C. It has taken the best part of a year and that person has still not started. They did not have to repeat their fitness test; they went through all stages without any difficulty, which is great. It seems to be taking quite a long time and that person is left hanging during that

period and not sure whether they will get a start or not or whether they should pursue alternative careers. I have no doubt that we are losing some good people and that had they gotten a start a bit sooner they may not have applied for other jobs or gone down different career paths. The more streamlined and efficient we can make the process of getting through those stages, the better it will be.

When trainees start their training programme, the duration of it is something along the lines of 33 weeks. I want to acknowledge what the Minister secured in the budget for next year in the increase in the training allowance. That was hugely significant and that is an acknowledgement of the cost of going through that training process and the cost of living that people have to deal with. That increase in the training allowance is hugely welcome and went down really well. I have no doubt that will make a difference to people choosing to join. Once you get into the college you will be on that allowance for the best part of a year, you have to live during that period and you get back home at the weekends. To have a reasonable training allowance and money they can live on for that period is welcome. I am amazed it stayed so low for as long as it did but the fact that it has been increased is important.

On the numbers of recruits who go in and those who get through, there is a considerable drop-off rate and a considerable number who do not make it through. I take on board the comments that have been made on this. The fitness test is hugely important and it is in or around one in six applicants who do not make it through the fitness test. There is an opportunity to come back and do it a second time if you did not make it through the first time. From what I have heard back from somebody who has recently been through it, there were people turning up on the day for the fitness test who underestimated what would be expected of them. Perhaps a little bit of work should be done to let people know what is involved in the fitness test when they come for it. We should inform the new people coming in of what the failure rate is and of what is required of them because it seems to be the case that people are rocking up thinking it will be a walk in the park or very easy, when it is anything but easy. The fitness test needs to be robust because we need people coming through the training college who are fit, healthy and able to do the job because it is a physically demanding job. Perhaps work can be done to inform new or potential recruits about what is expected on that day and that preparation training is required. You need to get out and go for a run before you rock up to the fitness test as it is not something you would pass easily.

The following point is not completely related to the section. There seems to be a view that if you come out of Templemore, you will automatically be sent to Dublin for a period of time. There is concern in other areas of the country, particularly rural areas, that other parts of the country are not getting their fair share of new recruits. If the Minister has the information to hand on the number of trainees she expects to come out and roughly the numbers she expects to go where in the country, could she share it with us? There is an acceptance that there is a particular demand in our cities, particularly the capital, for obvious reasons but numbers have to come up at local level.

In Mayo, there is a concern that we will not be adequately resourced in terms of Garda numbers because the pressures and demands will be elsewhere and that there is not much hope of any of the new recruits being posted to other areas of the country. If this is not the case, that is good but that needs to be dealt with head on in terms of information. It came up at the last meeting of the joint policing committee in Mayo. Senior Garda management was asked whether gardaí from Mayo would be sent to Dublin if and when it was requested. The answer was "Yes" but that it would be done using overtime hours. This has concerned members locally.

They are concerned about what happens during the busy Christmas period. In what is generally a very quiet and safe community in County Mayo, there are periods during the year where there is extra demand for Garda resources. Christmas is an obvious one along with new year and the summer when more tourists come to the area. Achill in County Mayo sees its population during the tourist period almost double but no additional Garda resources are made available to the area during that period. When there is talk at local level that new recruits will go straight to Dublin and nowhere else, that needs to be addressed head on. Where there is talk of resources being taken out of rural areas and sent to the larger cities and towns, that needs to be addressed head on because while we may not always need the same resources, it is fair to expect that we would get our fair share of resources and that rural areas would not be left in a situation where if something did happen, there would not be adequate gardaí available. There is concern in rural communities that resources are being sent to certain parts of the country because they are needed, but that it is to the detriment of smaller rural areas. This is particularly pertinent to the area of trainees and recruits in that we are not seeing them coming into rural areas to the level we would expect when there are still gaps in services.

Deputy Helen McEntee: During the most recent recruitment campaign, over 5,000 people applied so the Public Appointments Service has a significant number of people to go through. It is obviously not just dealing with An Garda Síochána but the entire public sector. I know there have even been difficulties in recruiting people to the Public Appointments Service so its capacity to deal not just with its own recruitment campaign but with many others is limited. A significant amount of work has been done to expand and the Public Appointments Service has gone through the applications as quickly as possible. It has to find out if people still want to take on the role or position. Some people do not want to so there is an initial process and then interviews, the fitness test, the medical, vetting and, if somebody has lived abroad, vetting abroad. There is no ability to dictate what happens in terms of vetting abroad and how long it will take. We have done everything. We work closely with the Garda Commissioner and his team to reduce the timeline as much as possible but, again, where there is a limited resource within the Public Appointments Service, we must work with it. If there are ways in which some of these things can be done in parallel, that is happening already.

Regarding the fitness test, people are given more than one or two chances. They are given an opportunity to come back a number of times. Information is available for people who apply. I think there is a video showing them exactly what the test involves and what they need to prepare for. That information is available. If people have not seen the video and they fail, they are obviously alerted to it and given as much support as possible because we do not want people failing the fitness test. There may be a medical issue or something that for some reason precludes them but if they can improve their fitness, it is really important that they are supported.

On the overall numbers going into the Garda College, of the 155 recruits in the last class, 153 will come out, so there is a certain level of drop-off but it is low. It is not 20 or 30. It tends to be just one or two.

Where gardaí go is very much a decision for the Garda Commissioner in terms of where resources are needed. Of the new classes coming out, a significant number have gone to Dublin. This allows for transfers and for people to be freed up to move outside Dublin to other regions. One of the challenges often presented to me was that of people not being able to transfer from where they were working, be it Dublin or elsewhere. However, now that we have more recruits coming out of the Garda College, a transfer applicant might be able to move from Dublin to a rural part. While higher numbers are going to Dublin, recruitment frees up people to move

around also. While just one individual from an attestation might be going to a certain county or area, there might be many more going there. However, it is the role of the Garda Commissioner to identify where members go. Recruitment is gaining pace. We will have 153 coming out of the college this Friday and a new class going in at the end of the year. This shows that the momentum is building.

Senator Robbie Gallagher: To follow on from the Minister's comments, it is important that those thinking of applying today be given a timeframe for the process and steps along the way. This would be beneficial. I realise the Minister is trying to do work in this area. Where a person is working or trying to plan a future job, it is important to have clarity so that if he or she begins the process of becoming a member of An Garda Síochána today, he or she will be guaranteed to go through it within a set period, subject to all the relevant steps that must be undertaken, including the fitness test.

I am aware the fitness test's difficulty, or otherwise, has received much publicity recently. It is taken as a given that anybody serious about applying to become a member of An Garda Síochána requires a certain fitness level. As the Minister said, there is much information available on that level. Thankfully, people are probably looking after themselves more than ever before from a fitness point of view, and they are more conscious of their health. I would like to believe the majority of applicants have a fairly good level of fitness to begin with. I understand some have failed the test; however, as the Minister has said, if you have fallen at the first fence there is an opportunity to raise your fitness so you will have no problem the next time.

With regard to the medical, I am not sure of the exact detail but I can recall recent commentary on a delay and the question of whether a specific consultant within the Garda medical aid team had to conduct the fitness test, physical examination or health examination – call it what you may. For whatever reason, there was a delay. I do not know the present status. To fast-track the entire process, could any suitably qualified medical individual conduct the test so everybody would not have to go through the door of one consultant? You would imagine that if any medical consultant or suitably qualified medical individual signed off Joe or Mary as having health sufficiently good to join, it would suffice. In many ways, that might fast-track the process.

Once training is undertaken, the next step concerns where to go. My heart goes out to anybody coming to Dublin because they will have been on just 100-plus euro per week, or whatever it is. I compliment the Minister for raising the amount to a more realistic one. Someone who goes to Dublin expecting to put together a deposit for a house or apartment will have difficulty finding a property in the first instance, followed by the second test, namely paying the deposit or undertaking to pay the rent. I would not underestimate the challenge this poses for many coming out of the college, especially if the majority of them are to come to the capital city, which I would imagine will be the case in light of recent events. I would not underestimate the challenge this poses for many people coming out of the college, especially if the majority of them will be, which I imagine will be the case in light of recent events, coming to the capital city. It is not an issue we can shy away from.

This problem affects not just the Garda but has an impact on many public service jobs, whether it be nursing or teaching. We need to keep this issue on the radar because we are seeing situations where young gardaí are travelling long distances daily. Some of them may be travelling up as much as two hours to and from work. It can be stressful, tiresome and dangerous if they are driving to and from their work and long distances are involved.

Additionally, there is not the added advantage of having members of the Garda living in the community in which they are serving. I would certainly not underestimate the benefit of this to society, because it allows the individual member of An Garda Síochána to become embraced within the community from a social perspective, which could mean joining football clubs, Gaelic, soccer or rugby, a badminton club or whatever club it might be.

Senator Mark Wall: And camogie.

Senator Robbie Gallagher: Living locally would allow the members of the Garda the flexibility to be able to take part in this way.

An Cathaoirleach: This is to do with strengthening the nature of the section.

Senator Robbie Gallagher: I appreciate that, yes, but this has all to do with the-----

An Cathaoirleach: -----conditions of service. Yes, I know. In fairness, I think the Senator is strangling it a bit.

Senator Victor Boyhan: And struggling.

(Interruptions).

Senator Robbie Gallagher: With respect, I would probably have had my contribution completed if I had not been interrupted. Anyway, the other thing would be, if I could say this without interruption-----

An Cathaoirleach: Senator Gallagher without interruption, please.

Senator Robbie Gallagher: My colleague, Senator Joe O'Reilly, and I are conscious that in the area we share, new Garda members are not coming to Cavan town or to Monaghan town. It has been a while since the stations in those towns have had new recruits. This is an issue that people are conscious of and it would be nice to know that some of the people passing out now would be heading to the country, so to speak, as opposed to all of them heading to the capital city. Go raibh maith agat. I thank the Cathaoirleach for his latitude.

An Cathaoirleach: Go raibh maith agat. I hope the Senator would include County Cork in that section outside Dublin as well.

Senator Robbie Gallagher: Absolutely.

Senator Victor Boyhan: I think the Senator needs a gallon of water after that.

(Interruptions).

Senator Joe O'Reilly: I will not repeat any of the case just made.

An Cathaoirleach: Please do not.

(Interruptions).

Senator Joe O'Reilly: No. I have just one comment.

An Cathaoirleach: I remind Members we are on this section that deals with conditions of service.

Senator Joe O'Reilly: I have one comment on what my colleague was just saying. It occurs to me that this issue needs to be examined in respect of the area of health and the cases of nurses as well. Specifically in this context, though, concerning young gardaí and Garda recruits, we should consider purpose-built accommodation. Historically, this existed for the members of An Garda Síochána. We should look at this possibility now in a Dublin context. I say this because my colleague is correct that there is an issue. This happens in many capital cities now. People in a range of jobs, including teaching, nursing, the ambulance service, paramedics, and all these kinds of jobs, find it impossible to buy houses and, often, to rent houses in the capital. We should, therefore, examine purpose-built accommodation and its greater use. If we were to walk around the city here any day, we would see many derelict buildings and unused commercial office space. Converting these kinds of buildings should be considered.

Senator Sharon Keogan: I appreciate the difficulty the Minister has had in getting trainees on board. It is hard. When it comes to trainees, we must make being a garda a job worth applying for. In this regard, the remuneration is very important, but so is having a proper pension. These new gardaí are on the post-2013 pension provision. Those joining the Garda now, compared with those who joined the force in 2012, are not getting the same pension provision. There is an inequality here for new gardaí. I would like the Minister to look at this aspect of the pension and whether it is possible to make this more attractive.

Equally, when the Garda Commissioner was in the committee room before the Minister came into the Chamber, I suggested he could look at the Garda stations around the country, particularly in the Dublin area. If trainee gardaí are going to be posted to Dublin, it is important to consider whether one of the Garda stations here could be used for accommodation for gardaí. Instead of these trainees having to travel from Cork, Galway or wherever they are coming from, accommodation would be available in the city. Does An Garda Síochána need all the stations it has in Dublin now? Is there a station that could be looked at and that would have room to be built onto? Could a certain number of rooms be provided in a location like that for gardaí to live in during the week or at the weekends? I am sure this possibility could be explored. I do not think we need all the current Garda stations and buildings. We need foot soldiers on the ground. Perhaps, then, this is something the Minister could examine in conjunction with the Garda Commissioner. I refer to considering if accommodation can be provided, especially in the more expensive cities of Dublin, Cork and Galway.

3 o'clock

Deputy Helen McEntee: It is not possible to give a definitive timeline. If a significant number apply at the same time, they must go through the initial process but there may be an issue with someone failing the fitness test or medical, or an issue with vetting abroad. We cannot say whether someone will come back from another police jurisdiction in a matter of weeks or months. It is very difficult to put a timeline on it but obviously we would like a process to be done as quickly as possible.

With regard to the challenge we have for members allocated to Dublin, what I hear a lot is that those who serve in Dublin first have more experience than anybody, particularly those in some rural areas, and this experience is very welcome when they are then potentially transferred further out. I do not for a second diminish the challenge that people who are based in Dublin have with rent when they have to live in Dublin. It is very difficult to see how we would apply a measure, be it for gardaí, nurses or anybody else. Somebody living in County Meath might be able to travel up and down if they are stationed in Dublin. Would they still get-----

Senator Joe O'Reilly: Purpose-built accommodation is needed.

Deputy Helen McEntee: To respond to Senator Keogan's point, I do not think we have any stations sitting idle or that are not being used or are not necessary. We are renovating and reopening stations not only in Dublin but throughout the country.

Senator Joe O'Reilly: What about using derelict buildings and office-commercial spaces?

Deputy Helen McEntee: How do we look at who takes up this accommodation? It is not something being actively looked at with regard to how it would be applied, who would get the accommodation, for what length of time and whether it would apply only to gardaí. A series of questions would have to be answered.

A question was asked on pensions. This comes under the remit of the Department of Finance or the Department of Public Expenditure, National Development Plan Delivery and Reform. Any change to pensions for gardaí would mean changes more broadly across the public sector. There are ongoing discussions and negotiations with various unions at present and that is where the matter would be best dealt with more broadly.

Question put and agreed to.

SECTION 54

An Cathaoirleach: Amendments Nos. 37 and 38 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 37:

In page 55, line 20, to delete "*subsection (6)*" and substitute "*subsections (6)* and *(7)*".

Deputy Helen McEntee: There may be a further technical amendment to this section and I would like to flag it now. Amendments Nos. 37 and 38 relate to section 54 of the Bill on the appointment of members of Garda staff. By way of background, the Commission on the Future of Policing in Ireland recommended that Garda staff be recruited directly into An Garda Síochána and that An Garda Síochána be seen and treated as a single organisation with a single workforce who share a common mission. Section 54(1) allows the Garda Commissioner to recruit Garda staff directly into the organisation. In addition, section 54(5) allows for the designation of existing civilian staff as Garda staff but only on foot of an appropriate industrial relations process.

Commencement of the legislation will have no automatic effect on existing civilian staff. This point has been confirmed on a number of occasions in previous debates on the Bill. I reaffirmed this point on Second Stage in the House in early October. Following that debate, I engaged directly with many Garda civilian staff and their representatives. I remain keenly aware of, and very sensitive to, the concerns raised by existing staff. In addition, there continues to be engagement between me, departmental officials, Garda management and the relevant trade unions. This engagement will continue as part of planning for the implementation of the Bill.

Senators may wish to note that a commitment was already made on my behalf by the Department that no order would be made under section 54(5) of the Bill designating existing staff as Garda staff until at least 1 January 2025. I am bringing forward an amendment to section 54, which I hope will provide further reassurance to existing Garda staff. The amendment will ensure that an order under section 54(5) that would have the effect of designating existing staff

as Garda staff may not be made until at least 24 months after the commencement of the section. I am taking this initiative as a gesture of goodwill to existing Garda staff. This provides a suitable and manageable period for the staff engagement already under way in this area. It must also take on board the terms and conditions that will apply to new civilian staff recruited after the commencement of the Bill who will automatically be designated as Garda staff.

Senator Paul Gavan: I thank the Minister for speaking on the amendments. As she knows, colleagues from Fórsa attended the previous two debates on the Bill. I acknowledge the Minister was good enough to speak to them on both occasions. While we welcome the two years in that amendment, it does not deal with the core issue. I have spoken to my colleagues in Fórsa almost on a daily basis in the past week. They would have been here today, were it not that this debate was only scheduled for today's sitting yesterday. However, I will read the concerns they have about what is happening into the record. This is correspondence several of us have received from a number of Garda civilian staff. I will quote it directly.

> The proposed changes to my terms and conditions, which would come as part of this Bill are unacceptable to me and my colleagues, specifically relating to the proposed change of my Civil Servant status to that of a Public Servant ... As this Bill approached the Seanad, my colleagues and I across our expansive network reached out to multiple Senators on this matter to create awareness of our concerns and indeed to draw attention to the fact that no meaningful consultation or negotiation has taken place with us and our union, Fórsa, on this matter.

I will repeat that part, "no meaningful consultation or negotiation has taken place with us and our union, Fórsa, on this matter". That remains the case today. She continues:

> Our efforts today culminated in a delegation of us as civil servants and union workplace representatives being in attendance in the Seanad when the Bill was introduced. At that time the Minister for Justice, Helen McEntee, committed to investigate this matter further and a commitment was given that negotiations would commence. I can categorically state that this has not progressed and despite commitments given and indeed recent union led representations made to our employer on this matter, no negotiations have taken place nor has a forum or framework been established to enable this to happen. This is despite all of our efforts and indeed all the commitments given to us...It is incredibly worrying that my Civil Service status, along with the terms and conditions and protections that are associated with that, can be changed by legislation without agreement or negotiation with our trade union.

Having spoken to Jim Mitchell, who represents Fórsa and who the Minister has met on a number of occasions, as recently as yesterday evening, I know he is absolutely clear that despite the welcome commitment the Minister gave that negotiations would commence, no such negotiations have commenced. That commitment was given a number of weeks ago and the union is more than perplexed. It is extremely frustrated and its members are extremely upset because this is a most reasonable request. The request is simply to start a negotiation. That is all they are asking for; yet what they have met from the Minister's Department in return is obfuscation and delays. I can tell the Minister right now, and she knows anyway, that no negotiations have commenced. A date has not even been given for negotiations to commence. The Minister gave a commitment that it would happen. I cannot for the life of me understand why it has not. We want to work with the Minister. She will be aware that Sinn Féin supports this Bill. I am a proud trade union member and a proud former trade union official. I cannot understand why

the Minister has not agreed to start negotiations. The union has been waiting all year for this. Its members are extremely upset and frustrated. It has thousands of members across the State in all constituencies and areas and they are more than annoyed at this point in time.

The good news is that she can still resolve this in a direct exchange with me now, by simply saying that negotiations will begin and committing to give the union a date this week for when the negotiations will begin. Given that the union has been waiting all year and the commitment the Minister made to it five weeks ago, that is not an unreasonable request. I invite the Minister to do that.

Senator Mark Wall: I echo Senator Gavan's words about Garda civilian staff. As has been said, the Minister has had discussions with them but what Senator Gavan has asked for today is reasonable, given the amount of time that has passed. In fairness to the work they do, their worries and so on have been articulated by Senator Gavan today and previously in meetings with the Minister. We support the call by Fórsa about this and welcome the Minister's contribution and more important, a date she may give in her contribution.

Deputy Helen McEntee: I am as keen for negotiations and engagement to start as both Senators present, and most importantly, as the staff. As recently as last week when I engaged with them, the challenge was finding dates that suited everyone. A number of bodies need to be around the table and the dates that had been set or proposed were not matching others' availability. It is a matter of trying to identify the dates that suit everybody involved and moving forward with the process. Nothing has been agreed or signed off on - I was clear about that when I met them – but I am keen to move this along. The legislation is progressing and while it will not be enacted by the end of the year, I hope that will happen early in the new year. The amendment makes clear nothing will change for at least 24 months post enactment, not from the beginning of the year, so we will have a period to make sure all those involved are, insofar as possible, happy with the changes that are going to take place.

I stress that this is about making sure there will be a single workforce. Some of the concerns that have been raised with me on this issue are that a feeling of separation between civilian staff and Garda members is resulting in challenges within the work environment. It is important there be a single structure whereby people are seen under the same umbrella as having the same goals and objectives, which they do, and by making these changes, we will solidify that. Many of the terms and conditions people are concerned about will not change and I have relayed that to them. Nevertheless, I appreciate that my saying that, on the one hand, and sitting down and going through all the detail, on the other, are two different things.

I cannot give a date because it is a matter of trying to find a date that suits everybody, but I very much want this process to start. I am sure some Garda members are listening to the debate. The scheduling was yesterday and we wanted to get as much time as possible for the Bill this week, so that is why there was a short notice period. I want to get the process started as soon as possible.

Senator Paul Gavan: I thank the Minister for her response and acknowledge the fact there was a very positive message within it, but the problem is that positive message has been there for five weeks. I accept her point about a number of people having to get round the table but the union's fear is that the Bill will go through Report and Final Stages and it will still not have a date for the negotiation to start. That is entirely unacceptable from a trade union point of view. I understand that the Minister cannot give me a date now - that is a fair point - but I want a com-

mitment from her, which I really hope she can give me, that before we reach Report Stage, a negotiation date will be confirmed with the Fórsa trade union. That is a very reasonable ask. It gives the Minister weeks to get it done and gives Fórsa the assurance it will be done. I ask her please to give that assurance not for my sake but for the thousands of workers who are increasingly worried that their concerns are not being listened to.

Deputy Helen McEntee: While I cannot give an exact date, the next Stage of the Bill will be weeks away and I have every intention of making sure negotiations start, or that dates are set, well before that.

Amendment agreed to.

Government amendment No. 38:

In page 55, between lines 30 and 31, to insert the following:

"(7) The Minister shall, not less than 24 months after the coming into operation of this section, make an order under *subsection (5)*.".

Amendment agreed to.

Section 54, as amended, agreed to.

An Cathaoirleach: I welcome the Minister for agriculture, Deputy McConalogue, and his guest to the House. I thank them for being here.

SECTION 55

An Cathaoirleach: Amendments Nos. 39 to 43, inclusive, and 67 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 39:

In page 55, line 34, to delete "may" and substitute "shall".

Deputy Helen McEntee: All the amendments in this grouping relate to pension matters. Section 55 provides for the making of a superannuation scheme or schemes by the Garda Commissioner for members of Garda staff where such members of Garda staff do not become members of the single public service pension scheme. Section 112 will perform a similar function with regard to the national office for community safety. The need for such schemes may arise for persons joining An Garda Síochána or the new national office who may be existing civil or other public servants already in a pension scheme and who, therefore, would not be required to join the single public service scheme. The amendments are technical in nature and follow discussions with the Department of Public Expenditure, National Development Plan Delivery and Reform.

Amendment agreed to.

Government amendment No. 40:

In page 55, line 34, to delete "and" and substitute "given with the consent of".

Amendment agreed to.

Government amendment No. 41:

In page 56, line 5, to delete "and" and substitute "given with the consent of".

Amendment agreed to.

Government amendment No. 42:

In page 56, line 8, to delete "and" and substitute "given with the consent of".

Amendment agreed to.

Government amendment No. 43:

In page 56, line 21, to delete "and" and substitute "given with the consent of".

Amendment agreed to.

Section 55, as amended, agreed to.

Progress reported; Committee to sit again.

Finance (No. 2) Bill 2023: Report and Final Stages

Acting Chairperson (Senator Gerry Horkan): I remind Senators that a Senator may speak only once on Report Stage except for the proposer of a recommendation, who may reply to the discussion on the recommendation. On Report Stage, each non-Government recommendation must be seconded. I welcome the Minister of State, Deputy Jennifer Carroll MacNeill.

Recommendation No. 1 is in the name of Senators Ruane, Black and Flynn and arises out of committee proceedings.

Senator Lynn Ruane: I move recommendation No. 1:

In page 65, between lines 20 and 21, to insert the following:

"Report on private pension tax relief

39. The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas on private pension tax relief which shall include an assessment on both the gender and distributional impact and an assessment of the potential impacts or benefits of a shift from a marginal rate to a 30 per cent standard rate approach for private pension tax relief in respect of cost to the exchequer and gender impact.".

Senator Paul Gavan: I second the recommendation.

Senator Lynn Ruane: This recommendation relates to the report on private pension tax relief. It states, "The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas on private pension tax relief which shall include an assessment on both the gender and distributional impact and an assessment of the potential impacts

or benefits of a shift from a marginal rate to a 30 per cent standard rate approach for private pension tax relief in respect of cost to the exchequer and gender impact."

I spoke about this on the previous Stage. I know Senator Black wants to come in on this. I have held the spot for her for as long as I could.

Acting Chairperson (Senator Gerry Horkan): As long as was necessary.

Senator Frances Black: I apologise for running in late. I welcome the Minister of State to the House. Recommendation No. 1 calls for a report by the Minister on private pension tax relief, including "an assessment on both the gender and distributional impact and an assessment of the potential impacts or benefits of a shift from a marginal rate to a 30 per cent standard rate approach for private pension tax relief in respect of cost to the exchequer and gender impact." I know the Minister of State had an exchange with my colleague, Senator Ruane, on Committee Stage on this point. We tabled a similar amendment to again raise the issue of private pension tax relief. Each year, we spend approximately €2.9 billion on private pension tax relief, while at the same time, the Commission on Taxation and Welfare estimates that a universal pension at the same level for everybody in the State, including all women and men, would cost around €3 billion. On one hand, we have a tax relief of which 70% accrues to the top 20% of earners and, on the other, we have a policy which would be much more equitable and have huge economic and social benefits for a great many people in this country.

On Committee Stage, the Minister of State indicated that more data was necessary and that she had asked the interdepartmental pensions reform and taxation group to examine this policy. I know the Minister acknowledged the role of equality budgeting in his Department. Would the Minister consider tasking this interdepartmental group with specifically looking at the gender and distributional impact of the policy or commissioning independent research on this?

Minister of State at the Department of Finance (Deputy Jennifer Carroll MacNeill): I thank Senator Black for outlining her position on this. As a female Minister of State in the Department of Finance, I have a very acute interest in the gender distribution of policy made in the Department and particularly on the inequitable outcomes for women in pensions and on pension poverty. I am aware of that in everything we do. I appreciate the Senator has had an exchange with the Minister for Finance on this. I know he has outlined the work of the interdepartmental pensions reform and taxation group. I do not wish to repeat anything my colleague has said and treat the House like that but I will outline some of the broader work being done on identifying opportunities for better pension equity between men and women in particular. It arises out of a number of different policy fall-offs where women have stepped out of the workforce for different reasons and have been at a strategic disadvantage over time. It is a historical issue and it cannot be allowed to be a current issue as well.

There is something I think is particularly important on this, albeit from a slightly different angle to that suggested by the Senator. It is a key focus and one of the real drivers around capital markets union at EU level, for example. I was at a Eurogroup meeting facilitated by the Minister, Deputy Donohoe, which had a specific focus on capital markets union and how access to wealth development and to small investment products, particularly on a retail basis, can really contribute to better pension equity. There are very strong habits in the Dutch financial system where people get involved in developing investments at a much earlier stage and in a much more balanced way throughout society. We see how it is not the preserve of any particular class or profession but rather there is a much more balanced approach across the economy and there

is very little pension poverty, in part as a consequence of that approach. One thing we want to do at a European level is have a better retail investment strategy. There is a particularly strong opportunity for women who, from more and more of the data I look at, appear much less likely to engage in investment or are much less likely to place a focus on their own pension provision than is often the case. It is a really serious issue and I suggest there are a number of different ways of coming to this. One is a focus on gender budgeting in the Department. Of course, as a female Minister of State I would say that if you have enough female Minsters making policy decisions over time that you are less likely to need to place a gender lens on every decision and that those things should be much more natural and much more inherent in the policy development process but it is also about recognising the gaps in the private market where women have not felt themselves as comfortable or as included in some of the products that are available. I say all of this in addition to the point the Senator makes and not necessarily as an alternative. It just to say that this is something that is a very strong focus for me as Minister of State in the Department where I think the voice of women has been under-represented over time. We see it in taxation decisions, around decisions on coming back to the workforce and the marginal tax implications that may impact on a person's decision about whether to come in and out of the workforce. It has fallen in a poorly distributed way against women time and time again.

I note the broad thrust of what the Senator is trying to do with this recommendation and I admire it. As she is aware, I am not in a position to take recommendations of this kind at this Stage of the Bill but I do not wish to leave the Senator with any sense that this is not to the front of my mind in terms of developing pension equity and gender equity through a number of different financial instruments.

Senator Frances Black: I am disappointed -----

Acting Chairperson (Senator Gerry Horkan): Because Senator Black did not propose the recommendation, Senator Ruane did, she is not allowed to come back in. She may decide what she would like to do about the recommendation. Does the Senator wish to press the recommendation or withdraw?

Senator Frances Black: I will press it.

Recommendation put and declared lost.

Senator Frances Black: I move recommendation No. 2:

In page 88, between lines 33 and 34, to insert the following:

"Report on limitation of deferred tax assets

46. The Minister shall, within 6 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the potential revenue implications for the State if the 50 per cent limit on deferred tax assets was reimposed."

Senator Paul Gavan: I second the recommendation.

Senator Frances Black: This calls for the Minister to produce a report outlining the potential revenue implications for the State if the 50% limit on deferred tax assets was reimposed. Every year, my group raises this issue at each Finance Bill. It seems we have made little progress on this area. It has been well publicised that Irish banks benefit hugely from this scheme due to the amount of historic losses they have from the financial collapse in 2008. That caused

untold suffering for most people and did not result in an effective tax write-off.

In 2017, those banks shaved €400 million from their tax bills by offsetting financial crisis losses against taxable profits. What is most shocking to the average person in respect of this policy is that these losses can be carried forward indefinitely to shield their future profits from tax. The banks are, in effect, avoiding paying hundreds of millions of euro in tax that they owe by shielding profits with losses that occurred a decade ago. Before 2012, a 50% limit was imposed by former Minister, Brian Lenihan. However, this was lifted by former Minister, Michael Noonan and the result is a number of banks being able to avoid paying taxes on profits.

While the banking levy is in place, it is unacceptable that banks are being shielded from paying tax on profits. This scheme is costly. The Comptroller and Auditor General has estimated that the cost in future of foregoing tax revenue from DTAs could be as much as €29 billion, with €12 billion related to the financial and insurance sector. This revenue could be used for housing, healthcare, mental health or climate action. Unfortunately, it is instead being used to essentially give large financial institutions a tax break. I hope the Minister of State will accept this recommendation.

Acting Chairperson (Senator Gerry Horkan): Before I bring the Minister of State back in, I would like to welcome to the Gallery former Senator, Ian Marshall, who is very welcome, and some of his colleagues. I hope you and your guests enjoy your time in Leinster House. It is always good to see you here.

Deputy Jennifer Carroll MacNeill: I thank Senator Black. The recommendation requests a report on the potential revenue implications for the State if a 50% limit on deferred tax assets was imposed. As Senators are aware, loss relief for corporation tax is a long-standing feature of the Irish corporate tax system and a standard feature of corporation tax systems in most OECD countries. It recognises the fact that a business cycle runs over several years and it would be unfair to tax income earned in one year and not allow relief for losses incurred in another.

A restriction on the amount of loss relief available to NAMA participating institutions was introduced in 2009. It limited the relief such that losses could be used to shelter only 50% of taxable profits in any given year. The cap only affected the timing of the relief; it did not affect the overall quantum, with restricted losses in any given year being carried forward to subsequent years for offset. The restriction was repealed in 2013. This was for reasons including protecting the value of the State's investments in the banks as, by that stage, the State had acquired substantial shareholdings in the banking sector and a restriction on loss relief was considered to be working against the State's interests. It was a very different time.

There have previously been proposals for the reintroduction of a limitation on loss relief for banks, and this has been discussed in detail in the Oireachtas on a number of occasions. A detailed technical note on considerations relevant to a restriction of loss relief for banks and companies more generally was prepared in 2018 by the Department of Finance for the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach. As far as I am aware, that remains available online. Considerations set out in that paper include the difficulty of discriminating between industries or individual entities within the same industry regarding the use of loss relief, as state aid implications would arise in respect of such a targeted measure.

The reintroduction of a tax loss restriction of this nature could also have a number of negative impacts, as discussed in some detail in the published technical paper. They include con-

siderations relevant to the capitalisation of the banks and consequential impacts for consumers. It is also important to understand that the State has received value from the banks' deferred tax assets through its share sales to date and the current valuation of the remaining shareholdings. A restriction on the use of losses could damage the State's credibility with investors and negatively impact on future share sales. For these reasons, a change to the tax treatment of banks is not currently under consideration and a detailed technical note has been prepared and published on this issue.

The Senator raised the bank levy. It is important to look over time at what the levy has generated and what is expected. The levy generated €93 million in 2020 and €64 million in 2021. The lower figure in 2021 was due to the exit of KBC and Ulster Bank. It is important to highlight the revised bank levy to apply in 2024. There was a public consultation on the future of that. The levy will now be charged at the rate of 0.112% of the value of deposits held by each liable bank on 31 December 2022. The annual target yield from the levy is now €200 million, which is considerably increased and is a considerable charge on the operation of banks.

For the reasons outlined in the 2018 paper and the broader reasons for the State's participation with the banks over time, we cannot accept the recommendation.

Recommendation put:

The Seanad divided: Tá, 10; Níl, 25.	
Tá	Níl
Black, Frances.	Blaney, Niall.
Boylan, Lynn.	Burke, Paddy.
Clonan, Tom.	Casey, Pat.
Craughwell, Gerard P.	Cassells, Shane.
Flynn, Eileen.	Chambers, Lisa.
Gavan, Paul.	Conway, Martin.
Ruane, Lynn.	Crowe, Ollie.
Sherlock, Marie.	Cummins, John.
Wall, Mark.	Currie, Emer.
Warfield, Fintan.	Daly, Mark.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Martin, Vincent P.
	McGahon, John.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Reilly, Joe.

	O'Reilly, Pauline.
	Wilson, Diarmuid.

Tellers: Tá, Senators Frances Black and Eileen Flynn; Níl, Senators Paul Daly and Joe O'Reilly.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Recommendation declared lost.

Senator Frances Black: I move recommendation No. 3.

In page 112, between lines 22 and 23, to insert the following:

"Report on wealth tax

"52. The Minister shall, within 6 months of the passing of this Act, lay before both Houses of the Oireachtas a report on the potential revenue raised from, and distributional impact of, a wealth tax of 2 per cent on all households with assets of over 20 million euro.".

Senator Paul Gavan: I second the recommendation.

Senator Frances Black: The recommendation calls for a report by the Minister on the potential revenue raised from and the distributional impact of a wealth tax of 2% on all households with assets of more than €20 million. My colleague, Senator Ruane, had an exchange with the Minister on this issue on Committee Stage. We have slightly revised the recommendation to a higher threshold. According to Oxfam's Survival of the Richest report, globally since 2020 the richest 1% have captured almost two-thirds of all new wealth, nearly twice as much money as the bottom 99% of the world's population. Billionaire fortunes are increased by $2.7 billion a day even as inflation outpaces the wages of at least 1.7 billion workers. Food and energy companies have profiteered from the cost-of-living crisis having more than doubled their profits in 2022, paying out $257 billion to wealthy shareholders while more than 800 million people did not have enough food. It is quite shocking. According to the report a tax of up to 5% on the worlds' multimillionaires and billionaires could raise $1.7 trillion a year. That is enough to lift 2 billion people out of poverty and fund a global plan to end hunger. While I acknowledge the position that the Government has argued, it does not hold up in the face of the stark wealth inequalities in this country and globally. We are in a climate emergency that is being aggravated in the most extreme ways by our current economic model, and we need radical social and economic transformation. We need to start introducing more equitable wealth in our world.

Senator Paul Gavan: I wish to speak in favour of this recommendation. As Members may know, it has been Sinn Féin's consistent policy to support a wealth tax. Of course, this is just a request for a report on a wealth tax. It is simply to investigate what a wealth tax might actually bring in. For all the points that Senator Black has raised, namely, the issues of equality and of this society where we continue to see a small percentage of people, the 1%, getting richer even as working-class communities throughout the country struggle, it has to be worth an investigation. It has to be worth an investigation. It is not surprising but it is disappointing that Fine Gael seems so completely closed-minded to this very reasonable and sensible proposal.

Deputy Jennifer Carroll MacNeill: This proposed recommendation seeks the preparation of a report on the revenue that might be raised from and the distributional impact of a wealth tax of 2% on all households with assets over €20 million within six months of the passing of the Bill into law.

As Senators from all sides of the House are aware, wealth can be and is taxed in a variety of ways. Many such taxes are already levied here in Ireland. They include capital gains tax and capital acquisitions tax, which are taxes on wealth, in that they are paid by an individual or company on the disposal or the acquisition of an asset through gift or inheritance. There is also deposit interest retention tax, which is currently charged at 33%, with limited exemptions, on interest earned on deposit accounts. There is also local property tax, which is a tax based on the market value of residential properties. Another is stamp duty, which is charged on the transfer of shares, stocks or marketable securities of Irish-registered companies as well as on the purchase of property, both residential and non-residential.

It follows that any revenue raised from a wealth tax, no matter what form it takes, may not be additional to the existing forms of wealth taxation as revenues from those taxes could be affected by the introduction of a wealth tax. The tax would not necessarily be additive.

In examining this topic, the Commission on Taxation and Welfare, which reported in 2022, identified challenges that would impede the implementation of such a tax. It concluded that a new tax on net wealth should not be introduced without first attempting to amend Ireland's existing taxes on capital and wealth. As an alternative to introducing a new tax on wealth, the commission believes that the more productive route is to continually assess CGT and CAT. Those are, as I have already noted, existing taxes on wealth that have well-established but distinct bases and are well understood in their operation.

In addition to wealth taxes, the Government takes action against inequality through our tax and welfare system. That is really important. The strong redistributive role of the Irish tax and welfare system is evident in the range of supports that were introduced to help mitigate the impact of the Covid-19 pandemic and in the series of measures designed to limit the impact of the current cost-of-living pressures, notwithstanding the broader transfers that are made through our social protection system. Ireland has one of the most progressive systems of taxes and social transfers of any EU or OECD country. That contributes to the redistribution of income and to the reduction of income inequality, even at a time of rising incomes. That is a really important underlying economic condition.

By way of example, in 2024 it is projected that the top 1% of taxpayer units, who are those with annual income of in excess of €290,000, will pay just over 24% of total income tax and USC. That is a very large proportion of the total income tax and USC from such a small cohort of taxpayers. In comparison, 80% of taxpayer units, which is the cohort of income earners who

have annual income of less than €69,500 and account for about 2.74 million taxpayer units, will pay only 21% of total income tax and USC. To further demonstrate the high amount of tax being paid by high earners under the current income tax and USC system, in 2024 it is expected that there will be approximately 3.425 million taxpayer units, including married couples under joint assessment, and total yield from income tax and USC is projected to be €34.3 billion. Of that yield, approximately €7.372 billion will be paid in total by approximately 2.7 million taxpayer units with incomes of under €69,500 per annum. The remaining yield, over €26.9 billion, will be paid by fewer than 682,300 taxpayer units earning over €69,500.

I assure Senators not only that we have a very strongly redistributive system and a strongly progressive tax system but also that all taxes and potential taxation options are kept under constant consideration. The commission on taxation produced an analytic report on taxation in this State, and it remains a priority of this Government and of mine to make sure Ireland maintains the progressive taxation system we have developed over time. I do not see the additional benefit that may be gained from a report of this nature at this time. I cannot therefore accept the recommendation.

Recommendation put and declared lost.

Senator Frances Black: I move recommendation No. 4:

In page 112, between lines 22 and 23, to insert the following:

"Report on corporation tax

52. The Minister shall, within twelve months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining an evaluation of the impact of Ireland's corporate tax regime on human rights, welfare and in particular child welfare in the Global South.".

Senator Paul Gavan: I second the recommendation.

Senator Frances Black: Recommendation No. 4 calls for a report by the Minister outlining an evaluation of the impact of Ireland's corporate tax regime on human rights, welfare and in particular, child welfare in the global south. Earlier this year, the United Nations Committee on the Rights of the Child called on the Irish Government to ensure that its tax policies do not lead to corporate profit shifting, which takes resources away from low-income countries and prevents them from having the resource they need to protect and enhance children's rights.

We also have research from Christian Aid, which demonstrates that base erosion and profit shifting is detrimental to large organisations and that multinational corporations using complex corporate structures to shift profits across borders into low- or no-tax jurisdictions has hugely negative implications for the global south. A 2022 paper from Christian Aid highlights how changes to Irish tax law have continually protected the ability of multinational companies to shift profits out of developing countries and elsewhere. These structures have mostly relied on the same two-step practice whereby companies book sales income as an Irish entity that acts as a sales hub and then ships profits to a low- or no-tax jurisdiction through payments to an Irish registered but overseas resident company, originally dubbed the "double Irish". This mechanism and its many variants have arguably been one of the world's most used corporate tax avoidance structures. As an indication of its scale, in 2019 alone, Google used this mechanism to shift more than $75.4 billion of profits from worldwide advertising income through Ireland

to Bermuda where the standard rate of tax is 0%.

As the Irish Government began to phase out the tax residency rules that made the original double Irish structure possible, some multinationals were able to replace them by relying instead on tax breaks introduced on the transfer of intellectual property, IP, to Ireland. This allowed these companies to continue to book sales income in Ireland from around the world and, ultimately, incur a very low tax on the sale in Ireland itself rather than having to ship the profits on to a third country like Bermuda. This arrangement came to be known as the "green jersey" and was facilitated by a series of measures that significantly expanded the tax deductions available for the acquisition of IP by one company from another within the same multinational group.

In 2014, in the same legislation in which it claimed ended the double Irish, the Irish Government simultaneously increased to 100% the amount of related profits companies could shield in this way, thereby shrinking the effective tax rate on those profits from 2.5% to 0%. After public opposition, this was restored to 80% in September 2017, but the huge amounts of IP that multinationals had moved into Ireland prior to September 2017 were explicitly exempted. Therefore, while some multinationals relied on the onshore tax structure, others have instead turned to a new version of the original offshore double Irish dubbed the "single malt". This new structure allows multinationals to achieve the same effective result as under the double Irish by shifting profits to low-tax jurisdictions with which Ireland has signed tax treaties, including Malta. While the current Minister's predecessor announced an agreement to end the facilitation of aggressive tax planning, due to the weakness of this agreement, a number of companies have been able to set up single malt tax structures.

It is unbelievable, really, when you think about it. We need to get real about the implications of our tax structures and the impact it is having on some of the world's most vulnerable communities, while at the same time allowing huge multinationals making bumper profits to minimise the tax they will pay. Our facilitation is morally wrong and undermining our goals in terms of sustainable development.

4 o'clock

Deputy Jennifer Carroll MacNeill: The proposed recommendation attempts to create a link between the Irish corporation tax system, on the one hand, and human rights and welfare, including child welfare in the global south, on the other. These are distinct policy considerations. I will address reform, and the extensive work in recent years the Department of Finance has undertaken to update the Irish corporate tax system, much of which is included in this Bill in terms of the OECD's base erosion and profit shifting project, of which we have been supporters since its inception. Most of those actions have been relevant for the interaction of Ireland's tax system with other jurisdictions, including developing countries. They are, of course, considered in detail in the update on Ireland's Corporation Tax Roadmap, which was published in 2021.

Ireland has been a committed participant in the OECD's BEPS project since its inception. Ireland was one of the first countries to sign and ratify the then BEPS multilateral instrument. This ground-breaking international agreement significantly reduces the potential for tax treaties to be used for tax avoidance purposes.

Our commitment to transparency and the exchange of information has received international commendation. Indeed, Ireland is one of a small handful of jurisdictions worldwide to be

twice recognised as fully compliant with all international best practice by the OECD-led Global Forum on Transparency and Exchange of Information for Tax Purposes.

We are a leader in tax transparency at both OECD and EU level. We have negotiated, agreed and implemented significant new tax rules on tax transparency to ensure tax authorities have access to tax rulings, anti-money laundering information, country-by-country reports, and the mandatory disclosure of tax planning agreements by tax advisers and digital platforms. We signed up to the OECD's two-pillar solution to address the tax challenges arising from the digitalisation of the economy in October 2021 and we are already delivering on that commitment. Pillar 2 of the agreement, which we are implementing in this Finance Bill, provides for a 15% global minimum effective tax rate, on a jurisdictional basis, for large multinational enterprises with an annual turnover of €750 million. The purpose of that pillar is to put a floor under international competition and level the playing field for all countries, including in particular developing countries, competing to attract foreign investment.

I shall turn now to actions specifically relevant to developing countries, which I think are important. Ireland was one of the first countries to commission an independent spill-over analysis of the impact of our tax system on developing countries. That research project was commissioned by the Department of Finance. The methodology was designed and carried out by the independent, and highly respected, International Bureau of Fiscal Documentation. The independent research project included: an analysis of trade and capital flows between Ireland and developing countries; an analysis of Ireland's tax treaty network with developing countries; and a review of relevant provisions in domestic tax legislation. The analysis, which was published in 2015, concluded that there were no negative spillovers from the Irish tax regime on the economies of developing countries. Two older double tax agreements were renegotiated on more favourable terms for our partner jurisdictions in light of the report.

I wish to note that, following Government approval, Ireland's first double tax treaty policy statement was published in 2021. The policy statement outlines a series of economic drivers for potential new partners, including through the creation of a priority list. More importantly, there is a specific policy for the least developed countries in the world. This commits to not approaching any least developed country for a treaty and, where approached by such a country, a commitment to be cognisant of the specific needs of such countries, and to ensuring that any treaty will deliver economic benefits for the treaty partner before agreeing to such a treaty.

I wish to highlight some of the outputs of what we are able to do because of our fiscal position, which demonstrates our continued commitment to international aid and support, particularly for the global south. In the past two weeks, Ireland's commitment is pledged to reach by next year €225 million in climate finance directly for projects that are needed around the world but particularly recognising small island nations and smaller economies, where Ireland has contributed €25 million to the COP28 loss and damage fund that was announced. At the time the fund was announced, and I am saying that in case we have been overtaken by events, Ireland was the second largest contributor *per capita* globally after the UAE. It is a hugely significant commitment. In the same week, we gave €12 million to the UN's Central Emergency Response Fund, which put us in the top ten in absolute terms as contributors, not just on a *per capita* basis. Of course, we fund the UN development programme with its commitment to developing sustainable finance centres around the globe and its commitment to gender in that, in particular. So we have a hugely outward looking aid policy in every Department. That includes the Department of Finance, the Department of energy and the Department of Foreign Affairs. We are certainly committed to that in terms of tax as well. The evidence is very clear in that regard.

Recommendation put:

The Seanad divided: Tá, 9; Níl, 24.	
Tá	Níl
Black, Frances.	Ardagh, Catherine.
Boylan, Lynn.	Blaney, Niall.
Clonan, Tom.	Burke, Paddy.
Flynn, Eileen.	Casey, Pat.
Gavan, Paul.	Chambers, Lisa.
Ruane, Lynn.	Conway, Martin.
Sherlock, Marie.	Crowe, Ollie.
Wall, Mark.	Cummins, John.
Warfield, Fintan.	Currie, Emer.
	Daly, Mark.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Martin, Vincent P.
	McGreehan, Erin.
	O'Reilly, Joe.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Wilson, Diarmuid.

Tellers: Tá, Senators Frances Black and Lynn Ruane; Níl, Senators Paul Daly and Joe O'Reilly.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Recommendation declared lost.

Senator Frances Black: I move recommendation No. 5:

In page 302, between lines 32 and 33, to insert the following:

"Report on increase in rate of vacant homes tax

100. The Minister shall, within three months of the passing of this Act, lay before both Houses of the Oireachtas a report on options for changes to the Vacant Homes Tax, including options to increase the rate of tax to ten times the basic rate of Local Property Tax and the potential for the inclusion of derelict properties within the criteria for taxable properties.".

Senator Paul Gavan: I second the recommendation.

Senator Frances Black: Recommendation No. 5 calls for a report on options for changes to the vacant homes tax, including options to increase the rate of tax to ten times the basic rate of local property tax and the potential for the inclusion of derelict properties within the criteria for taxable properties. It is welcome that the vacant homes tax is being increased from three times the basic rate of local property tax to five times. This is clearly in recognition of the fact that the current rate, which amounts to about 0.3% of the value of the property, is simply not a deterrent to property hoarding. For the past decade, it has not been uncommon to see double-digit house-price inflation in a given year. According to the CSO, property prices increased by 14% from June 2021 to June 2022. Such high levels of inflation mean that if you leave a property vacant, you can easily make an annual gain of more than 10% of its value, while having to pay back only 0.3%. This is an incentive for property hoarding, not a deterrent. The slower house-price growth this year has been an outlier, so we cannot simply assume we will continue to see it in coming years. While I appreciate that the Minister has increased the tax, this increase is still not likely to be sufficient. Our amendment requests an exploration of a vacant homes tax set at ten times the basic rate of the local property tax, which would amount to around 1% of the value of the property. This would create a more significant deterrent to property hoarding. This is, after all, the stated purpose of the tax.

Moving on to the issue of derelict properties, our group made similar arguments last year. However, we will repeat them as the issue has not gone away. That the vacant homes tax leaves out derelict properties entirely has been an oversight since the beginning. When former Civil Engagement Group Senator Grace O'Sullivan first introduced legislation to address this issue, back in 2017, her Bill, the Derelict and Vacant Sites Bill rightly treated both vacant and derelict sites as connected parts of the same problem. This is what experts have repeatedly called for since. Therefore, to decouple the issues is short-sighted.

Currently, the measure supposedly addressing dereliction is the derelict sites levy, administered by councils. To say it has been a failure is an absolute understatement. In 2021, for example, only €1.1 million out of the €4.5 million owed in derelict site levies was actually collected by city and county councils. This was a collection rate of 23%. Eighteen councils failed to collect any levy at all, so we know the derelict site levy is not working. What is going to be done to address dereliction?

In other countries, such as France, where vacant home taxes have been successfully introduced, derelict buildings have not been excluded or treated separately. It is essential that we treat dereliction and vacancy similarly. This is why our amendment calls for a report on the potential to include derelict sites within the scope of the vacant homes tax.

On the occupancy rules, the threshold of only 30 days annual occupancy for a property to be considered exempt from the proposed vacant property tax is extremely low in comparison

to international norms. When the tax was introduced, Dr. Gerard Turley, an economist at the University of Galway, writing for RTÉ, said:

> In other countries and cities around the world that have introduced a vacant property tax, the usual cut-off period is six months. In the Irish case it is one month, which is a very low bar or threshold to meet.

It is clear that the average holiday home will not be subject to this tax, because all an owner has to do is spend a few weeks there, or let friends or family stay there for a few weeks in the summer, and leave it empty for the rest of the year. This is sufficient to dodge the tax. This is surely not in the spirit of the tax, which is to bring vacant properties into use to address the devastating housing crisis that is having such a negative effect on the lives of so many.

Senator John Cummins: I can certainly see the point the Senator is making on derelict properties. We have introduced a whole host of schemes to incentivise bringing properties back into productive use. Not only is there the refurbishment grant of €70,000, but also the repair and lease scheme and the buy and renew scheme. Some local authorities have used these schemes to great effect, while some have not used them at all. Some 50% of all repair and lease units in the entire country have been delivered in County Waterford. Applications to the vacant property refurbishment grant have also been made for more than 5,500 properties. According to the latest figures I have, there have been approximately 2,500 approvals. I can, therefore, see the point being made concerning the dereliction element of the recommendation.

In terms of the increase of the vacant homes tax from three to five times the rate of the local property tax, we need to see how this will bed in over the course of 2024. The Minister for Finance is on record as saying this will be kept under review. I am not sure the proposal for ten times the amount is necessary in the review. That will be openly considered by the Government in this context. However, where the State has intervened to introduce a whole host of schemes to incentivise addressing these derelict properties, perhaps there is scope in respect of the local property tax to bring these properties within it. It is true that they can be captured in the context of the Derelict Sites Act 1990. Some local authorities, such Limerick City and County Council, have been using this measure to great effect in respect of putting derelict sites on the register. Compulsory purchase orders are then carried out under that Act, as opposed to under the Housing Act, which can be a slow and arduous process. Certainly, other local authorities need to step up to the plate in this respect. If we are looking at something in the context of the Derelict Sites Act 1990, with a council or a local property tax in terms of revenue, perhaps this balance, only in the context of what we have done in terms of the other schemes, needs to be reviewed.

Senator Aisling Dolan: To follow on from what Senator Cummins said regarding the reasons we are bringing in the vacant homes tax, it is intended to incentivise the use of properties that have been put out of use, especially when we are doing everything as a Government to provide as much housing as possible. My county of Galway is one of the counties with the highest number of applications for the Croí Cónaithe scheme. With regard to the Minister of State's role in the Department of Finance, particularly with regard to credit unions, we need to look at how we expand their role to try to support people to think about applying for the Croí Cónaithe scheme. Some of the challenges with it have been with regard to whether staged payments could be considered for the scheme. It is only after the works are done and an inspector comes out to look at them that payment can issue to those who applied for the Croí Cónaithe scheme. The scheme has been in action but it is a new incentive, as is the vacant homes tax, to encourage people to see how to use properties that have been left vacant and derelict in Ireland,

particularly in rural towns and villages throughout the country. We need to make sure that we maximise all of the properties available to Irish citizens, the State and businesses. Many of the properties can be used in many different ways.

In her response, I ask the Minister of State to speak about the supports in place for people accessing the Croí Cónaithe scheme and the importance of the vacant homes tax to make people see the options and opportunities out there to develop properties, and for these properties to become places of residence and places for people to live and call home. It is also for people who want to take on a second property to rent out. We are in dire need. In my home town of Ballinasloe people are crying out for properties to rent. We are to have 79 social housing homes in Ballinasloe and families will move into them before Christmas. They will be able to have a home. This will mean that rental properties will be opened up because people will be taken off the housing assistance payment and out of rental accommodation and given a home. It will mean that more rental properties will open up in the town. These are needed for people who are working there and for young families.

This is a challenge and I appreciate work being done by the Minister of State with regard to how credit unions can support people in accessing these opportunities. I am thinking about the fact that purchasing a home and having a mortgage may be more beneficial than paying rent on a long-term basis. It all comes back to financial literacy for young people and people of all ages so they can see there are benefits to looking at Croí Cónaithe and SEAI schemes with regard to bringing older properties back into use.

Deputy Jennifer Carroll MacNeill: Tackling vacancy is an urgent priority for the Government and every Member of the Houses. It is appropriate that every available lever is deployed to incentivise the use of existing housing stock throughout the country. This includes measures to deter vacancy, alongside supportive measures that Senators have mentioned, such as grants. For this reason, the Minister for Finance announced in the budget that the rate of the vacant homes tax will increase to five times the existing base local property tax rate. The increase will apply to the chargeable period that commenced on 1 November 2023 and all future chargeable periods. For the chargeable period just ended on 31 October 2023, the rate of the vacant homes tax remains at three times the amount of local property tax payable in respect of the property.

We are discussing the recommendation of a report on various aspects of the tax, such as increasing the rate and the inclusion of derelict properties within its scope. As the vacant homes tax is still a relatively new measure, it is important to see how it operates after coming into effect, including the most recent change in the rate of this tax, and then make an assessment as to how it is working. It is working only if it brings properties back into use. Ideally, the tax would be paid on fewer and fewer properties and the tax take would decrease. That would be a measure of success, unlike most taxes. We will monitor this as part of the ordinary policy monitoring process conducted by Department of Finance officials and Revenue in respect of all new tax measures. We will monitor the tax and, if appropriate, we will review the matters outlined.

In developing the tax it is important to ensure that it is easy to understand and efficient to administer. We want the tax to work and have the desired effect. This is why it was set at a multiple of the property's base local property tax charge, as this system is already well understood. By increasing the rate of the tax in the Finance Bill, we hope the vacant homes tax will have the effect of penalising any property owner whose property remain vacant in the first and current chargeable period. It also sends an important signal that it is no longer socially acceptable to retain vacant properties and they must be brought into use.

The tax will play an important role in addressing vacancy but we have to make sure we are also providing incentives, with the objective of encouraging the use of available housing. It is important to recognise, as Senator Cummins did, that grants of up to €70,000 are available to make derelict properties into habitable homes. It is essential those grants are availed of and used. As Senator Dolan pointed out, it can be difficult to absorb the up-front cost of doing up a house and there is a timing question on the application of these grants, which is, as yet, unresolved. As I stated in this House before, I have discussed the matter with the credit union movement. Some credit unions offer bridging finance for people to be able to meet the needs at an earlier stage in recognition that the State will definitely repay its part of the loan. There is flexibility to be achieved as more and more credit unions take up that option. However, it is a decision for individual credit unions and not something I can mandate. However, it is interesting to see how effective it can be when an individual manager takes such a decision. We have seen similar proactive actions being rewarded in Senator Cummins's county of Waterford in respect of the repair and lease scheme which has gone exceptionally well. We saw something similar in Louth in the past, where there were exceptionally good outcomes in the compulsory purchase order, CPO, process. Such initiatives, driven by individuals or groups, can be incredibly effective, which raises questions about why vacancy persists in some local authority areas when others have had extremely good results from targeted use of the available measures.

Specifically, regarding derelict properties, the tax seeks to target properties which are habitable and ready to be occupied quickly. Vacant homes tax applies to properties that are residential properties for the purposes of local property tax, which means properties are suitable as a dwelling. In this way, the tax targets properties which could be put to greater use with immediate effect.

The issue of dereliction is related. Senators will be aware that the Derelict Sites Act falls under the responsibility of my colleague, the Minister for Housing, Local Government and Heritage. I understand that his Department continues to liaise with local authorities on the implementation of the Derelict Sites Act 1990 with a view to improving its effectiveness. I understand a report on that will be forthcoming very soon.

At this point, the vacant homes tax is one part of a broader suite of measures. The Minister for Housing, Local Government and Heritage launched a vacant homes action plan in January of this year. This document outlines the progress made in addressing vacancy, along with the actions that being pursued to return as many vacant and derelict properties to use as possible, as quickly as possible. It is important to point out that the incentives provided, such as the vacant properties refurbishment grant and the ready to build scheme under the Croí Cónaithe towns fund, are important. The vacant properties refurbishment grant has been successful with 5,500 applications received to date, of which 2,800 have been approved. There has been some success to date, but there is long way to go with that. The Government recently agreed to raise the target and to have 4,000 homes refurbished by 2025. Again, I underline the opportunity to use CPOs.

I will take the opportunity to clarify some figures I quoted to Senator Black in respect of the bank levy earlier. I was given a note which gave me three figures, which I will correct. The yield reported for the bank levy in 2020 was €150 million. In 2021, it was €150 million and in 2022, it was €87 million. I will write to the Senator directly on that point with a full outline. I apologise for the error in my note.

Recommendation put and declared lost.

Senator Frances Black: I move recommendation No. 6:

In page 302, between lines 32 and 33, to insert the following:

"Report on aviation kerosene

100. The Minister shall, within six months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the potential for Ireland to waive the excise exemption on aviation kerosene by entering into bilateral agreements to tax fuel for intra-community flights.".

Senator Eileen Flynn: I second the recommendation.

Senator Frances Black: Recommendation No. 6 calls for the Minister to produce a report outlining the potential for Ireland to waive the excise exemption on aviation kerosene by entering into bilateral agreements to tax fuel for intracommunity flights. On Committee Stage, my colleague Senator Ruane stated that the Government provided €2.4 billion in subsidies to the fossil fuel industry in 2019, according to the Central Statistics Office, CSO. This was 1% higher than the previous year and almost 70% higher than in 2000, when subsidies totalled €1.4 billion. Fossil fuel subsidies can support either production or consumption activities. The CSO figures show indirect subsidies arising from revenue forgone due to tax abatements accounted for almost 90% of the €2.4 billion total. The single biggest one was the excise duty exemption for jet kerosene used for domestic and international commercial aviation. The revenue forgone from this measure in 2019 was €634 million, while the revenue forgone from the lower excise duty on diesel fuel was estimated at €400 million. There have been several calls for this to be unwound given the higher rate of nitrous oxide and particulates emitted from diesel fumes, both of which have been linked to premature deaths and strokes in humans.

Our recommendation reflects the exchange Senator Ruane had with the Minister on Committee Stage and looks to the mechanisms by which the exemptions can be waived. I urge the Minister to accept the recommendation.

Deputy Jennifer Carroll MacNeill: Senators will be aware the Government is committed to tackling climate change and decarbonising the economy by 2050, and we are very much aware of the challenges subsidies pose to our collective effort to disincentivise fossil fuels. We are stuck in a difficult transition period as we try both to help people meet their energy bills and to transition the economy to renewable energy sources.

The programme for Government, the climate action plan and the Climate Action and Low Carbon Development Act form broad policy and legislative frameworks for moving away from fossil fuels to renewable energy and alternative fuels and technology. Carbon tax is an especially important part of that and those who are committed to climate change mitigation would, of course, support that. It is nonetheless recognised it is a transition for households and businesses in this country and we have yet to build many of the renewable opportunities that are in front of us. In my constituency, a renewable project could cheaply and cleanly power up to 700,000 homes in Dublin, and it is these sorts of projects that require support and activation.

Ireland's excise duty, more specifically on the treatment of fuel used for air navigation, is governed by the European Union law as set out in Directive 2003/96/EC on the taxation of energy products and electricity, commonly known as the energy tax directive, ETD. The provisions of the current energy tax directive relating to aviation fuels were transposed into Irish law

in the Finance Act 1999, as amended, which provides for the application of excise duty in the form of mineral oil tax on liquid fuels used for motor and heating purposes. Heavy oil is the most commonly used fuel type in commercial air navigation and the ETD currently obliges all member states to exempt heavy oil for intracommunity and international air transport purposes. A member state may waive this exemption for intracommunity flights where it has entered into a bilateral agreement with another member state to tax fuel, but no such agreements are in place in the EU at present.

In addition, Senators will be aware that in July 2021, as part of the Fit for 55 package, the European Commission published a proposal to revise the energy tax directive and that taxation of intracommunity forms part of the proposal to date. This has proved to be one of the more contentious aspects of the file because of the wish of certain member states to maintain the exemption on the taxation of excise fuel.

Given that no bilateral agreements are in place and that the energy tax directive is currently subject to renegotiation, with the taxation of aviation fuel on the agenda, the Minister for Finance does not see any potential for bilateral agreements to tax fuel for intracommunity flights at present. Instead, he believes a collaborative EU-wide approach is the most effective way of addressing this issue. Accordingly, Ireland will continue to engage with the Commission and member states to reach a well-balanced and effective compromise on the proposal.

Separately, as Minister of State with responsibility for financial services, I note the aircraft leasing industry in this jurisdiction, which leases more than half of the world's aeroplanes, has a strong interest in developing the renewable opportunity here and developing sustainable aviation fuel from this jurisdiction, with an important parallel opportunity for the State in the development of that economy. I cannot accept the recommendation, for the reasons I outlined relating to the EU.

Senator John Cummins: I might slightly segue here, so I ask the Minister of State to give me a little leeway in that respect. Under the Finance Act 2022, relief from natural gas carbon tax was provided for in respect of the horticultural industry but it has not been commenced. I understand this has been debated inside out and upside down but it is very important for that sector and it has not yet been commenced. The Minister of State might touch on that in her response.

Deputy Jennifer Carroll MacNeill: I thank the Senator for highlighting that, given it was agreed to in the 2022 Act, as he said. I have confirmed with my officials that Revenue continues to work on it. It is a priority for the Department of Finance that it is active. Officials have been in touch with Revenue in the last week or so to make sure that is so. The Department of Finance is keen that it be implemented shortly by Revenue.

Recommendation put:

The Seanad divided: Tá, 9; Níl, 26.	
Tá	Níl
Black, Frances.	Ardagh, Catherine.
Boylan, Lynn.	Blaney, Niall.
Craughwell, Gerard P.	Burke, Paddy.
Flynn, Eileen.	Casey, Pat.

Gavan, Paul.	Cassells, Shane.
Keogan, Sharon.	Chambers, Lisa.
Ruane, Lynn.	Conway, Martin.
Wall, Mark.	Crowe, Ollie.
Warfield, Fintan.	Cummins, John.
	Currie, Emer.
	Daly, Mark.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Garvey, Róisín.
	Horkan, Gerry.
	Kyne, Seán.
	Martin, Vincent P.
	McGahon, John.
	O'Reilly, Joe.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Frances Black and Eileen Flynn; Níl, Senators Paul Daly and Joe O'Reilly.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Recommendation declared lost.

5 o'clock

Bill reported without recommendation and received for final consideration. **An Cathaoirleach:** When is it proposed to take Fifth Stage?

Senator Lisa Chambers: Now.

An Cathaoirleach: Is that agreed? Agreed.

Question put: "That the Bill be returned to Dáil Éireann."

The Seanad divided: Tá, 25; Níl, 9.	
Tá	Níl
Ardagh, Catherine.	Boyhan, Victor.
Blaney, Niall.	Boylan, Lynn.
Burke, Paddy.	Clonan, Tom.
Casey, Pat.	Flynn, Eileen.
Cassells, Shane.	Gavan, Paul.
Chambers, Lisa.	Keogan, Sharon.
Conway, Martin.	Sherlock, Marie.
Craughwell, Gerard P.	Wall, Mark.
Crowe, Ollie.	Warfield, Fintan.
Cummins, John.	
Currie, Emer.	
Daly, Mark.	
Daly, Paul.	
Dolan, Aisling.	
Dooley, Timmy.	
Fitzpatrick, Mary.	
Garvey, Róisín.	
Horkan, Gerry.	
Kyne, Seán.	
Martin, Vincent P.	
McGahon, John.	
O'Reilly, Pauline.	
Seery Kearney, Mary.	
Ward, Barry.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Paul Daly and Seán Kyne; Níl, Senators Paul Gavan and Fintan Warfield.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Question declared carried.

Cuireadh an Seanad ar fionraí ar 5.13 p.m. agus cuireadh tús leis arís ar 5.28 p.m.

Sitting suspended at 5.13 p.m. and resumed at 5.28 p.m.

Social Welfare (Miscellaneous Provisions) Bill 2023: Committee and Remaining Stages

Acting Chairperson (Senator Pat Casey): I welcome the Minister, Deputy Humphreys, to the House.

Sections 1 to 7, inclusive, agreed to.

NEW SECTION

Acting Chairperson (Senator Pat Casey): Amendments Nos. 1 to 7, inclusive, are related and may be discussed together by agreement. is that agreed? Agreed.

Senator Paul Gavan: I move amendment No. 1:

In page 6, after line 29, to insert the following:

"Report on extending availability of full parent's benefit to lone parents

8. The Minister shall prepare and lay a report before the Houses of the Oireachtas on extending the availability of the full duration of parent's benefit to lone parents to examine the effect that enabling all children to equally avail of the full duration of this benefit would have and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within 9 months of the enactment of this Act.".

The Minister is very welcome. This amendment is to provide for a report on extending availability of full parent's benefit to lone parents. There is an assumption in legislation like this that families are always a two-parent family. That is not always the case, as we know. I ask, as one-parent organisations have asked, that the full 14 weeks of parent's leave, increasing to 18 weeks in August 2024, be extended to one-parent families. A new baby, whether it is born into a family with two parents or one, should not lose out on the additional supports. I ask that the Minister address that particular point and issue.

Acting Chairperson (Senator Pat Casey): I thank the Senator and call Senator Black.

Senator Frances Black: I would like to speak to amendment No. 5. Is that okay?

Acting Chairperson (Senator Pat Casey): No, we are speaking to amendment No. 1 at the moment.

Senator Frances Black: I am sorry; I will wait.

Acting Chairperson (Senator Pat Casey): I call the Minister.

Minister for Social Protection (Deputy Heather Humphreys): I do not propose to accept these amendments. Regarding amendment No. 1, I refer the Senators to a report already prepared on this matter at the request of Deputy Kerrane, which I laid before the Houses of the Oireachtas on 27 June 2023. This amendment arose on Committee Stage in the Dáil, where I informed Deputy Ó Laoghaire I would be happy to provide him with a copy of the report. I can also provide the Senators with a copy if that is acceptable.

Amendment put and declared lost.

Section 8 agreed to.

Sections 9 to 13, inclusive, agreed to.

SECTION 14

Question proposed: "That section 14 stand part of the Bill."

Senator Gerard P. Craughwell: The Minister is very welcome to the House. I submitted an amendment on section 14 of the Bill, which deals with the dreaded class K PRSI. It has been ruled out of order because of the cost to the Exchequer.

Members of this House who have gone to the dentist to get their teeth cleaned have come to me about PRSI. They are paying €386 in PRSI and cannot get dental care. It was suggested in a rebuttal here last year that we can make voluntary contributions. I ask those advising the Minister whether they would be prepared to pay 4% of their salaries in PRSI contributions and then pay another €5,000 in voluntary contributions. According to the Department, if you have been paying PRSI at class A, you cannot buy at the lower rate; you must make voluntary contributions at the higher rate.

We have already been down in the Four Courts about this issue concerning county councillors, and the Minister's Department settled the case. Has she been advised on the constitutionality of class K PRSI? Has her Department been advised it is unconstitutional? Nobody I know of would pay for an insurance policy on which they could never draw down. Can you imagine having an accident in your car and being told by the insurer it is not covered as part of your policy? Can you imagine being told that you cannot claim on your policy if your house burns down because it is just a contribution? If the State wants to tax me for being a Senator, it may do so. It could make provision for this in the Finance Bill. If I am charged 4% of my salary for the pleasure of being a public servant, I will happily pay it because I have a very wonderful career here that gives me an opportunity to speak to Ministers face to face; however, for God's sake, let us not try to pretend to anybody that class K is pay-related social insurance. It is not and cannot be under any circumstances.

I have been raising this in the House every year in discussions on the Social Welfare Bill and asking for an amendment so we may be treated the same as any other workers in the State. I am deeply disappointed a decision has been taken not to repeal class K and put us on the same footing as any other workers in the State. I have been forced into circumstances in which I have to put my family's welfare at risk because I am not going to sit down under this. I will take this matter to the High Court. Has the Minister been advised by her officials as to the constitutionality of class K PRSI? This is something we need to establish straight away.

Acting Chairperson (Senator Pat Casey): I remind the Senator that section 14 relates to the working family repayment? We gave the Senator a little latitude on class K.

Does Senator Burke want to contribute?

Senator Paddy Burke: I want to discuss class K also.

Acting Chairperson (Senator Pat Casey): In fairness, I have given a little latitude on this. Section 14 is about the working family payment, not class K. I gave Senator Craughwell a bit

of latitude.

Senator Paddy Burke: The Senator had submitted an amendment on this.

Acting Chairperson (Senator Pat Casey): That was ruled out of order.

Senator Paddy Burke: While I do not question the ruling made by the Cathaoirleach, I ask him to reflect on the fact that moneys collected under the social welfare legislation are not a charge on the Exchequer. Moneys paid for dental or other treatment that are collected through the social welfare system are not a charge on the Exchequer. I do not think the ruling is proper in that regard. I have to support Senator Craughwell on this.

Acting Chairperson (Senator Pat Casey): We can raise that with the Cathaoirleach if the Senator wants.

Senator Paddy Burke: I thank the Acting Chairman.

I have to agree with Senator Craughwell. I have raised class K on numerous occasions also. It affects every Member of this House and others. After the last election, the majority of people who lost their seats or retired were not even able to collect the jobseeker's benefit after doing so. This is a considerable indictment of the political system. Some of the individuals were here for only a very short period. To have lost their seats with no means or income was an issue. Some had families. It is very unfair, so the Minister should reconsider class K. There should be some benefits from the PRSI that Members pay, as has been said by Senator Craughwell.

This has affected many Members who lost their seats at the last election. It is a very unfair tax, amounting to 4% of one's salary. To qualify for benefits, do we have to pay a voluntary contribution on top of the 4% Members pay? It is a very unfair tax. As Senator Craughwell said, it has to be unconstitutional. I ask that the Minister look into class K. In fairness to the current Taoiseach, he did examine the issue in respect of local authority members when he was Minister for social welfare, and he made a change from class K to class S. In light of that, I ask the Minister to consider class K in respect of Members.

Acting Chairperson (Senator Pat Casey): If the Minister wishes to reply, she may.

Senator Paul Gavan: I hope to contribute on this also, if the Chair does not mind. I promise I will be very brief.

Acting Chairperson (Senator Pat Casey): I am giving latitude. We are time bound this evening.

Senator Paul Gavan: It is not often that I agree politically with my colleagues but I certainly agree on this. It is a grossly unfair issue that should have been dealt with years ago. It is not right. This is felt deeply across the Chamber.

Deputy Heather Humphreys: I acknowledge the issue raised. Senators Craughwell and Burke have raised it with me on several occasions. I know there are other interested parties here also. They have long-running concerns regarding the payment of class K contributions by public office holders. The introduction of class K for public office holders was a solidarity measure introduced among other income-generating initiatives in budget 2011, during the financial crisis, with PRSI acting as the mechanism for collection. Several other measures were also introduced during the financial crisis, and some of these, such as the USC, are still in place.

There seems to be cross-party support on this. I am happy to hear that. Class K was introduced as a solidarity measure involving Oireachtas Members during the financial crisis. In that regard, perhaps this matter should be considered as part of the wider public sector pay restoration agreement. Talks on this are under way. Maybe it is in these talks that progress should be made on this. I have given this a lot of consideration over the past year. If there was a Private Members' Bill with Members from every political party attaching to it, this could be considered, in particular for those on class K who are officeholders in this House, and I know there are also members of the Judiciary on class K. All in all, there are 100,000 people on class K, believe it or not.

Senator Gerard P. Craughwell: Is that so?

Deputy Heather Humphreys: There are. There are 100,000 across the board, and I have checked that. There are other people who use the benefits of class K in the private sector as well, so it is not just ourselves.

What we are dealing with specifically is the issue where people who had served in this House found themselves out of a job, with no income and no prospect of a job during Covid. I am well familiar with the case that the Senator has referred to at times and I have great sympathy for the person involved because they did not get back to this House after the last election. Perhaps it is something the Members could come together on. The Senator prepared a report that went to the Oireachtas joint committee, which raised a number of issues. If something more definitive comes forward on an all-party basis, I am happy to look at that. I have sympathy with regard to the points the Senator is making.

Class K is constitutional because an Act was brought through the Oireachtas in 2011 and signed by the President. It is there. This was an extra tax on officeholders and a number of members of the Judiciary at the time, and other people use class K for other reasons and are happy to pay into it. I take the Senator's point. I will leave it at that. Maybe we can look at it in the coming months and the Senator can come forward to me with proposals as to what he thinks we should do. I believe it should be looked at in terms of the wider public service pay restoration.

Senator Gerard P. Craughwell: I want to-----

Acting Chairperson (Senator Pat Casey): No. I gave some latitude to allow the Senator in. It was ruled out of order. It is the wrong section. The Minister has clearly answered the Senator. She shares his concerns. She has given him a pathway for how to progress this issue in regard to class K. I acknowledge the work he has done on this issue for a long time but we are very much time-bound this evening and I need to move on.

Senator Gerard P. Craughwell: I just wanted to thank the Minister for her direction. I will work across all parties and, hopefully, bring forward a Private Members' Bill early in the new year.

Question put and agreed to.

Sections 15 to 20, inclusive, agreed to.

NEW SECTIONS

Acting Chairperson (Senator Pat Casey): Amendments Nos. 2 and 5 are related and may

be discussed together, by agreement. Is that agreed? Agreed.

Senator Paul Gavan: I move amendment No. 2:

In page 11, after line 34, to insert the following:

"**Report on establishing a social welfare adequacy commission**

21. The Minister shall carry out a review on establishing a social welfare adequacy commission in order to ensure social welfare rates meet the Minimum Essential Standard of Living (MESL) to study the effect that adequacy of social welfare rates could have on addressing poverty levels and that the report shall be presented to the Oireachtas Joint Committee on Social Protection ahead of Budget 2025.".

To clarify, can I also speak on amendments Nos. 3 and 4 at this point or are they separate?

Acting Chairperson (Senator Pat Casey): Not at this point. This is just on amendments Nos. 2 and 5.

Senator Paul Gavan: We propose the establishment of a social welfare adequacy commission that would advise the Government on social protection payment rates. The commission would make recommendations on payment rates ahead of the annual budget with the aim of ensuring they are adequate, meet a minimum essential standard of living, MESL, and protect people from poverty. This would ensure that all recipients are protected from poverty. It is important to note that these rates can fluctuate upwards and downwards depending on inflation and the success of any Government in providing affordable housing, childcare or access to free healthcare when needed. Second, we propose that all currently means-tested payments are set at rates that meet the MESL to ensure that those who rely on these payments are protected from poverty, at the very least.

Sinn Féin has put forward the idea of establishing a social welfare adequacy commission for several years. We have introduced legislation on this on two occasions and included the proposal in our most recent general election manifesto and subsequent annual alternative budget publications. The commission would have three objectives: to reduce poverty; to ensure a decent standard of living for vulnerable households; and to take the political football out of setting social welfare rates. It would offer evidence-based advice to the Government in advance of making decisions as part of its annual budget. A social welfare adequacy commission would recommend payment rates with the aim of ensuring that everyone in receipt of a social welfare payment receives an amount that protects them from poverty and affords them a decent standard of living.

The objective would be to ensure that any future changes to rates are evidenced-based and targeted at protecting those who need it most. By ensuring continued monitoring of the adequacy of social welfare rates, the commission would help to advise any Government that, in turn, could make decisions to truly lift households out of poverty. This would see a major transformation of society overall. While the main role of a commission would be to report annually on the adequacy of social welfare rates and recommend any necessary changes, it should also have the power to recommend that any Department undertakes a poverty impact assessment of a specific measure before it is introduced. This proposal has been welcomed by organisations such as the EAPN 25.

Sinn Féin believes that the establishment of a social welfare adequacy commission would be hugely significant for those who rely on social welfare supports from the State. Its establishment would create a pathway away from the annual political football in the setting of social welfare rates. Further to this, a commission could support the work of the Government in its efforts to support the needs of specific groups and those who currently experience the highest levels of poverty, deprivation and marginalisation.

Senator Frances Black: Amendment No. 5 seeks a report on the adequacy of social protection payments and options for benchmarking social protection payments to the minimum essential standard of living. This year, the MESL research centre had recommended a €27.50 increase to core adult social welfare rates but, instead, what we got in the budget was €12. In its post-budget analysis, the MESL research centre noted the purchasing power of core social protection supports had not been maintained and, as a result, the adjustments are a real-terms cut. From 2020 to 2023, the real value of core working-age weekly social welfare supports has fallen by six to 12 percentage points. These measures are likely to compound the deepening and widening of income inadequacy that developed this year so it is clear that the core social welfare rate increases this year were, in fact, a real-terms cut. Others have affirmed this. The ESRI this year noted in its post-budget analysis that low and middle-income households are still in a catch-up phase after successive below-inflation increases to social welfare and tax. Increases in social protection rates are simply not keeping pace with inflation.

The ESRI also said that with inflation moderating, there is a need to move away from one-off payments and to benchmark social welfare payments to provide certainty. This ESRI recommendation for benchmarking of social welfare payments, rather than an overreliance on one-off measures, is a call that is echoed across civil society. People need income adequacy and income security. Security means consistency and it means certainty. We often hear budgets being called "bumper" or "giveaway" budgets in the media, and we hear the figure quoted again and again for the overall budget package, whether it is €10 billion or otherwise in a given year. However, income adequacy is about consistency. We can only have income adequacy if everyone, including those receiving social protection payments, knows they have enough money coming into the household, week in, week out. That certainty and security does not come with one-off payments that people do not know are coming again next year or the year after.

As we call for every year in the social welfare Bill, we must see social protection payments raised substantially, not just by a few euro each year but to a meaningful level that is calculated to meet the needs of families. Once rates are raised to that level, they need to stay there and we need an adequate rate of social welfare paid, week in, week out, and not via once-off payments. The MESL provides a benchmark for this truly adequate rate of social welfare and we need to begin using this to guide social welfare policy. Every year, after the budget, we see the new social welfare rates compared to the MESL benchmark rates and, every year, we see that they are too low, and this is after the fact. Why is the MESL not being used to guide the budget measures in the first place? The Government is urged to look to this research every year in advance of the budget but every year we see that the recommendations are not followed. There is no excuse anymore. We had the second-largest budget surplus in the EU this year and we are on track to accumulate a surplus of €65 billion by 2027. That figure is staggering. If not now then when will truly adequate social protection rates in this country ever be a priority for Government?

Deputy Heather Humphreys: Senators will be aware that the work of the Vincentian MESL Research Centre, which is sponsored by my Department, is an assessment of the minimum income needed to partake in everyday life. The work of the MESL research centre also

highlights issues that may be better solved with greater access to services, rather than increases in income. In this regard, having access to secondary benefits such as medical cards and supports in the areas of housing and childcare has a huge impact on well-being. Therefore, using the MESL as a benchmark for the level of social welfare payments alone can present difficulties. For these reasons, while not used as a benchmark in and of itself, the work of the Vincentian MESL Research Centre at the Society of St. Vincent de Paul is, and will continue to be, a valuable input into our policymaking process.

On an annual basis, my Department already assesses the social impact of the annual budget process, including in recent years the impact of once-off measures. I give the Senators a commitment that we will publish, in quarter 1 of 2024, a detailed social impact assessment of budget 2024, including the main tax and welfare measures, using the ESRI's SWITCH microsimulation model, which will set out the poverty alleviation impacts of the budget measures for various cohorts and family types.

For those reasons, I do not propose to accept these amendments. I understand why the Senators have to put amendments in this way but I would prefer not to put reports into legislation. The ESRI has said that the budget protects those on the lowest incomes the most. This matter has to be looked at it in the round, in terms of the core increases to weekly payments and the lump sums. The €12 increase in the core weekly payments will take effect from January. Over the last two budgets alone, we have increased the weekly payments by €24. In recent years, a €3 increase used to be the norm, or maybe there was no increase at all. A €24 increase over the last two years is, therefore, a substantial amount of money.

This year's budget has to be looked at in the round, taking into consideration the combined effect of the lump sums and the increase in the weekly rates. For example, an old-age pensioner who lives alone will get the funeral allowance; the €200 living alone lump sum; the €300 fuel allowance lump sum; a double payment at Christmas; a double payment in January; and, on top of that, a €12 increase in the weekly payment. That adds up to an extra €1,700 annually and approximately €32 extra per week. A carer will get the two double payments at Christmas and in January, the €400 carer's lump sum and the €12 increase in January, which works out at about €1,500 extra over a whole year or approximately €30 extra per week. That figure will be much higher for those with children because they will also get the €100 qualified child lump sum and the double child benefit payment. Somebody on a disability allowance who lives alone will receive an extra €2,020 over the year, which works out at about €39 extra per week.

As I said, the work of the Vincentian MESL Research Centre at the Society of St. Vincent de Paul will continue to be a valuable input to our policymaking process. On an annual basis, my Department assesses the social impact of the annual budget process, including, in recent years, the impact of once-off measures. That does not include the lump sums for fuel allowance and electricity credits. We continue to monitor this matter closely.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 3:

In page 11, after line 34, to insert the following:

"Report on means-testing for blind pension and disability allowance

21. The Minister shall prepare and lay a report before the Houses of the Oireachtas

on the means-testing eligibility requirement for blind pension and disability allowance and the impact that income threshold limitations have on access to these schemes and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within 9 months of the enactment of this Act.".

The Government has committed to reviewing the means-testing of payments but there is not yet any information on when this will happen. Social assistance payments are available to those who do not have enough PRSI contributions to qualify for equivalent social insurance payments. For example, someone who becomes unemployed but fails to qualify for jobseeker's benefit due to insufficient PRSI contributions can apply for jobseeker's allowance instead, which is means-tested. However, as entire household income is considered as means, it can be difficult to qualify for the full rate of €220. Even the highest rate of payments does not take into account the varying costs experienced by households across society.

The concentration of deep income inadequacy is due to the current structure of our social welfare system. Existing rates of social assistance payments do not adequately support even a minimum essential standard of living. The existing system of determining rates underestimates the cost of ensuring an MESL and we see this exemplified in households with children headed by one adult when calculating rates of means-tested welfare payments. This means the current system for determining social assistance is flawed and must be replaced with a comprehensive model to ensure social welfare supports are fit for purpose. Sinn Féin believes that social assistance payments, which are typically subject to means testing, must be based on ensuring a decent standard of living. We propose ensuring that all currently means-tested payments are set at rates that meet the minimum essential standard of living in order to ensure that those who rely on these payments are protected from poverty at the very least. We must also bear in mind the cost of disability that people on blind pension and disability allowance are subject to.

Deputy Heather Humphreys: I am pleased to inform Senators that I have already committed to a wide-ranging review of means-testing in my Department, which is ongoing. I expect that to be completed in quarter 1 of next year and I hope to have it early next year. The review will cover the treatment of income and disregards across the social welfare schemes generally. It will include the examination of thresholds and their impact, the blind pension and the disability allowance, including in respect of self-employed workers. For those reasons, I do not propose to accept this amendment but Senators can be assured, in line with a similar commitment I gave in the Dáil debate, that this issue will be considered in that review, which will be published early in the new year.

Senator Paddy Burke: I welcome what the Minister has said. An anomaly in the system that I have raised on a number of occasions is where a person who is between jobs is called for jury service. I hope the Minister will be able to address the matter in the Bill. The case I raise involves a girl who was changing jobs and found there was no onus on her previous employer to pay. She did jury duty for a week, during which there was no obligation on her previous or new employer to pay, meaning she fell through the cracks. She suffered lost wages and had a mortgage to pay, as well as having all the other outgoings that families have. She was at a loss of a considerable amount of money. Despite paying her taxes, she did not qualify for anything. I ask the Minister to look at that.

Senator Catherine Ardagh: I welcome the review, especially as regards the means-testing of carer's payments, which is an issue we have raised in this House on numerous occasions. It needs to be looked into to ensure it is fair for carers and those they are caring for.

The second issue I raise is the thresholds for the fuel allowance. There are many ancillary benefits available to people who qualify for the fuel allowance, so many people attend our clinics whose incomes are out by a small amount. I ask the Minister to allow for some flexibility in providing for a lower rate of fuel allowance. It would be great to have the fuel allowance and its ancillary benefits reviewed. I do not know how it could be done. Perhaps if people were still under the threshold, they could still qualify for some of the benefits, such as wrapping the house. It is a big thing for people. We are trying to give funds for retrofitting and it is hard to get them to the right people. These are the right people.

Deputy Heather Humphreys: I thank the Senators and take the point Senator Burke raised. That is a case that fell between the cracks and we should look at it. That one was just unfortunate. It is important that we review the means test. It has not been reviewed in a long time. A lot of work has gone into it in my Department, looking at the different assessments for the different payments. There are many different ones. I expanded the fuel allowance last year for the over-70s. I changed the income limits. I also increased the limits for the carer's allowance in this year's budget. When this went through the Dáil on Committee Stage, we had a discussion about doing something on a graduated basis. I am prepared to examine that because when we draw a line, there are winners and losers. That is always a problem. I always feel sorry for people who are a euro or two over the limit, especially with the fuel allowance. It cuts them out. Maybe we should look at a more graduated system so that if someone's income is X number of euro above the limit they get a reduced payment. It is all in the mix. It will have budgetary consequences and it all must be considered together. I happy to look at it.

Savings of €20,000 is a small enough sum now. It used to do a lot, but it does not do a lot now. It is a lot of money, but the way I measure it is that it used to be possible to buy a really good car for €20,000. You would not get much now for it. It is the limit on savings, so there is an opportunity there. I agree that we need to look at that. I will have the report in quarter 1 of the new year and I will be happy to come back to talk about it then.

Amendment put and declared lost.

Senator Paul Gavan: I move amendment No. 4:

In page 11, after line 34, to insert the following:

"Report on extending the provision of disability allowance to agents in case of bereavement of child

21. The Minister shall review the rule regarding the continuation of disability allowance payment where a person is the collecting agent for their child who passes away and prepare a report on extending payment of the payment for six weeks in these circumstances in line with the provision made for payments such as domiciliary care allowance and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within 9 months of the enactment of this Act.".

The amendment calls for the provision of disability allowance to agents in the case of the bereavement of a child. The spouse, cohabitant or child of someone who is in receipt of disability allowance can receive the payment for six weeks after the death of the claimant, but the collecting agent of someone who is in receipt of disability allowance, for example, the parent of a 16-year-old who passes away, has difficulty receiving the payment for six weeks after the death of the claimant. On Committee Stage in the Dáil, the Minister said that she is aware of

such a case and will look at resolving this matter. I tabled the amendment is that context.

Deputy Heather Humphreys: The Senator will be aware that I responded to a similar amendment on Committee Stage in the Dáil. I committed to looking at this area and to preparing a report for Deputy Ó Laoghaire. I have asked my officials to look at the matter and complete a report on it - I even put a timeframe on it - by June of next year. As the Senator said, I am familiar with this case. While I have huge sympathy for the person involved, it is fair to say that a collection agent collects the payment for the recipient. They are not the person who it is intended will get the payment. However, I understand the specific case of a mother who was looking after a child who passed away. It is a sad case. I am happy to carry out a report on it.

Senator Paul Gavan: I will be honest; I am a little unclear. The Minister gave a positive response. Is she accepting the amendment or is she just commissioning a report?

Deputy Heather Humphreys: No.

Senator Paul Gavan: That is fine.

Deputy Heather Humphreys: No, I am not accepting the amendment. I did-----

Senator Paul Gavan: In that case, I will withdraw the amendment, given the Minister's positive comments.

Deputy Heather Humphreys: I will do the report.

Amendment, by leave, withdrawn.

Senator Frances Black: I move amendment No. 5:

In page 11, after line 34, to insert the following:

"Report on adequacy of social protection payments and Minimum Essential Standard of Living (MESL)

21. The Minister shall, within six months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on options for increasing and benchmarking all social protection rates in line with the Minimum Essential Standard of Living (MESL), including an analysis of options to fund such a measure through increased employer contributions to the Social Insurance Fund, and analysis of the impact of such a measure on poverty rates and inequality.".

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 6:

In page 11, after line 34, to insert the following:

"Report on Universal Basic Income for care-leavers

21. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on options for introducing a Universal Basic Income scheme for care-leavers.".

More than 600 care leavers signed up to a universal basic income pilot scheme in the UK in

the past year. One of those participating in the scheme who was interviewed by the BBC said it gave her independence. She explained why it gave her security and freedom. She said: "At the end of the day, leaving the care system and not having the financial worry is quite a big deal, not knowing where your food is coming from, where your rent is coming from." The amendment calls for a report to explore the introduction of such a basic income scheme for care leavers in Ireland. Such a scheme could provide a safety net for many young adults leaving care who often do not have the same parental financial safety net as other young adults. Financial security is identified as one of the key needs for young adults leaving care. Barnardos UK highlighted that care leavers often have far poorer outcomes than their peers. By the time they reach 19 to 21 years old, four in ten are not in education, employment or training. Many suffer with poor physical and mental health and are at greater risk of suicide. It also highlighted that 25% of the homeless population are estimated to be people who have experience of being in care. These are the reasons the basic income scheme was piloted in the UK.

In March of this year, the Irish Department of children published a literature review that included an examination of Irish studies on outcomes for young adults leaving care. It said that Irish studies linked greater difficulties and poorer outcomes in important areas of life, such as mental health, relationships and homelessness to having experience of being in care. Young adults who leave care in Ireland face similar barriers and obstacles. I urge the Minister to consider the benefits of such a basic income scheme for young adults leaving care in Ireland. Such a scheme could ensure the security, safety and future prosperity of young adults.

I recall a friend of mine, Shane, who died by suicide a few years ago pointed something out to me. I talk about supports in relation to social class and poverty and I remember saying that gaining work experience for people from particular communities or schools can be difficult. Many people in local areas and communities will end up doing work experience in the factory across the road where their mam or dad worked or perhaps in the local Centra. He said something poignant to me, that many people with experience of care, do not even have a family member working in Centra to help them to look for work experience in Centra. When I was looking for diversity of work experience for people who have a home and family around them, it was an interesting thing to have to think about. If someone is a care leaver or a person experiencing care, sometimes accessing low-paid or local work is extremely difficult, never mind being able to think about opportunities above and beyond that. Many people who leave care are in homeless accommodation and live in hostels. They leave State care where the State was effectively their parent for a period. That becomes obsolete if the person does not go on to education, which can be extremely difficult if he or she does not have a safe environment in which to be able to engage in education.

We should look at the pilot scheme in the UK and potentially carry out some similar research in Ireland. Perhaps the Department could look at what the benefits would be of having a pilot scheme in Ireland under which we would look at a universal basic income for people leaving State care.

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Deputy Heather Humphreys: I fully accept the point the Senator made. However, I do not propose to accept the amendment. Policy for this issue falls under the remit of the Department of children. It has come up in the past. For example, the line Department led on the basic income for artists, under the Minister, Deputy Catherine Martin. I discussed the matter with the Minister, Deputy O'Gorman, and he has spoken to his counterpart in Wales. A pilot scheme

was done there and it worked out well. A report is being written about it. I think Scotland is looking at doing something. Young people leaving care need additional support to help them on their way and give them the confidence to go forward.

6 o'clock

It is something the Senator can raise with the Minister, Deputy O'Gorman, in the context of children in care. As I said, it is a matter we have discussed.

In the Department of Social Protection, unlike in other Departments, age-related jobseeker's allowance rates do not apply to those who were in care during the 12 months immediately before they turned 18. That means people are entitled to the support of the higher weekly rate, which will be €232 from January 2024. Of course, they can avail of additional needs payments to support them in their accommodation requirements and other necessary supports when leaving care, if needed. It is to help them when they are leaving the care system and starting to live independently. They need that support and I accept that. As I said, the Minister, Deputy O'Gorman, has considered this matter. I ask the Senator to raise it with the Minister directly. I cannot accept the amendment.

Senator Lynn Ruane: I raised this issue in the committee. It would be on the Minister's radar. I thought there might be some crossover or intersection where a person is 18 and leaving care. Some people, when they leave care at 18, might not necessarily avail of one of the aftercare housing schemes and so on. Some may not come under the umbrella of what falls under the Minister's Department. I may be wrong in thinking that and such cases might fall under social welfare in the case of an independent adult who is no longer receiving aftercare from the State. Some people may need to be captured in both systems. I will continue to pursue this matter.

Amendment put:

The Committee divided: Tá, 9; Níl, 22.	
Tá	Níl
Black, Frances.	Ardagh, Catherine.
Clonan, Tom.	Blaney, Niall.
Craughwell, Gerard P.	Burke, Paddy.
Flynn, Eileen.	Casey, Pat.
Gavan, Paul.	Cassells, Shane.
Ruane, Lynn.	Chambers, Lisa.
Sherlock, Marie.	Conway, Martin.
Wall, Mark.	Crowe, Ollie.
Warfield, Fintan.	Cummins, John.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Garvey, Róisín.

	Kyne, Seán.
	Lombard, Tim.
	McGahon, John.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Lynn Ruane and Frances Black; Níl, Senators Paul Daly and Regina Doherty.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Amendment declared lost.

An Cathaoirleach: I welcome to the Public Gallery Ms Pippa Szepietowski, a cousin of our colleague and friend, Senator Seery Kearney, I hope she will excuse my bad pronunciation of her surname. She is here visiting from the United Kingdom. She is very welcome and I thank her for being here.

Senator Lynn Ruane: I move amendment No. 7:

In page 11, after line 34, to insert the following:

"Report on income adequacy of lone parent families

21. The Minister shall, within six months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on the income inadequacy of lone parent households, including an analysis of the main drivers of income inadequacy among this group, and social protection measures which could address this inadequacy.".

Acting Chairperson (Senator Pat Casey): Is the Senator pressing the amendment?

Senator Lynn Ruane: I was not aware that amendment No. 7 was in the earlier grouping and had already been discussed with amendment No. 1.

Acting Chairperson (Senator Pat Casey): It was announced and agreed earlier.

Senator Lynn Ruane: Okay, I will press the amendment.

Amendment put and declared lost.

Sections 21 to 44, inclusive, agreed to.

NEW SECTION

Acting Chairperson (Senator Pat Casey): Amendments Nos. 8 and 15 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Paul Gavan: I move amendment No. 8:

In page 23, between lines 33 and 34, to insert the following:

"Report in ensuring people aged 65 years of age have right to retire on State Pension Contributory

45. The Minister shall prepare and lay a report before the Houses of the Oireachtas on restoring the option on the right to retire for those aged 65 years of age on a State pension contributory and that the report shall be presented to the Oireachtas Joint Committee on Social Protection within 9 months of the enactment of this Act.".

In recent weeks, we have seen announcements in terms of increases in PRSI for employees.

Our proposal to increase employers' PRSI on the portion of pay above €100,000 would immediately cover the cost of introducing a right to retire on a pension at 65 years of age.

If you have been working on your feet all day, whether it be in construction, hairdressing or retail, you deserve to have the choice to retire on a pension at 65. Voters sent that message loud and clear in 2020. Reluctantly, the Government parties - especially Fine Gael, which intended to raise the State pension age to 68 years - called off the previously legislated-for increases to the pension age. The Government introduced a payment for people who retire at 65 years but it is completely inadequate and is paid at €45 per week less than the State pension and €2,356 less over the course of the full year.

The various options developed and data gathered by the Pensions Commission made it clear that it is possible to put the Social Insurance Fund onto a sustainable footing and afford people a right to retire on a pension at 65 years of age. The fairest path to ensure the sustainability of our Social Insurance Fund is through graduated increases in the level of employers' PRSI beginning with the portion of salaries above €100,000. Sinn Féin was the first party to put forward the issue of the sustainability of the Social Insurance Fund and the levels of social insurance contributions. In the teeth of a cost-of-living crisis, with workers facing elevated prices in the medium term, the focus should be on increasing the rate of employers' PRSI.

It is not fair for the Government to expect people like blocklayers who has been laying blocks all their lives and cleaners on their feet all day, dragging the hoover around after them, to not have the right to retire at 65. In some instances, these people have been doing this work since they were 16 years of age. The Government expects people working extremely hard in tough physical jobs for decades to keep going beyond 65. This is simply not fair and the Government cannot expect people to just keep going and going. These people have put their shift in and deserve the right to retire on a pension at 65 years of age.

Deputy Heather Humphreys: I will speak on amendments Nos. 8 and 15 together. Is that okay?

Senator Lynn Ruane: I was going to come in on amendment No. 15.

Acting Chairperson (Senator Pat Casey): We will let the Senator in. Sorry, Senator.

Senator Lynn Ruane: Amendment No. 15 seeks a report on the restoration of the right to retire at 65. This right is fundamental to our social contract. For several years now, we have been bombarded by messaging around how unaffordable our current pension system is. We are being steadily primed by conservative voices to accept the degradation of something so fundamental to our comfort and dignity as humans, namely, the right to retire. We have been repeatedly told the slow erosion of our pensions is not an ideological matter, rather merely a technical one. The reality contradicts this framing, which is in fact deeply ideological.

According to the IDA and countless other reports, Ireland has the youngest population in Europe, with one third of the population under 25 years of age. Despite this demographic reality, we came very close in the last programme for Government to being one of the few countries in Europe to push the pension age up to 67. The only other states in Europe to have taken this step I believe are Italy, Greece, Germany and Norway. These are countries with either far older populations or far more difficult economic circumstances. Even with the current threshold of 66, we are still among the most regressive states in this regard.

One would never think this from listening to conservative voices. We are expected to believe the State pension is a luxury we are recklessly clinging onto. Despite the fact we are supposedly one of the wealthiest countries in Europe with a budget surplus expected to last for years to come and with one of the lowest pension burdens and youngest populations, we find ourselves unable to hold up our end of the bargain and unable to sustain our workers' right to retire. Rather than benefiting from the wealth that supposedly flows into our country, low-income workers around the country are told they must make yet more sacrifices at the end of their long working lives. They must work one or two years longer, and this is unacceptable. The framing that people at the end of their working lives - many after putting in decades of hard manual labour - must now defer their retirement for another year is purely ideological.

There are many ways the Social Insurance Fund could be topped up. Far higher social insurance burdens could put on the huge multinationals that make their billions here. Instead, it is workers who are asked to bear the burden, and this is wrong. Every worker in this country should have the right to retire at 65 and that right must be restored. I urge the Minister to accept this amendment.

Deputy Heather Humphreys: I propose to take amendments Nos. 8 and 15 together. I am not accepting them and I will explain why. We just had the biggest report ever on pensions, which is the Pensions Commission report. We responded comprehensively to that by retaining the pension age at 66, introducing the new flexibility to allow people to defer their pension, providing a pension to long-term carers and the small, incremental increases in PRSI over the next five years, which will make the system more sustainable. We always said that in keeping the pension age at 66, because of the changing demographic, we would have to pay for that.

We are trying to make the pension system more sustainable in order that the young people of today can get a pension when they retire. The current system is pay-as-you-go and we pay for those who are pensioners now. That is the system in place and it will continue. We have the benefit payment for 65-year-olds. It is not means tested and someone can get it if they have their contributions.

The Government established the Pensions Commission, which looked at this issue and delivered a comprehensive report. The Pensions Commission concluded its detailed analysis of the State pensions system in late 2020 and recommended increasing State pension age rather than decreasing it. The Government decided not to increase the State pension age but instead leave it at age 66. In this regard, I do not believe a further report on State pension age is warranted at this time. The decision to retain the pension age at 66 means that PRSI increases will be required. The Government has set out the roadmap for increases over the next five years and that starts in October 2024. Those PRSI increases are required simply to retain the State pension age at 66.

Reducing the State pension age to 65 years would increase pension-related expenditure significantly. The estimated cost of introducing State pension payments at the age of 65 based on current pension rates is €355 million for one year only. In February 2021, I introduced the benefit payment for 65-year-olds. The benefit does not require a person to sign on, engage in activation measures or be available for and genuinely seeking work. The payment was designed to bridge the gap for people who retire from employment or self-employment at 65 years of age but do not qualify for the State pension until age 66. It is important to note that people under the age of 66 who cannot work for health reasons can apply for invalidity pension and disability allowance.

I take the point of the case of somebody who has a long work history and is genuinely not able to work. I am looking at it but I will have to bring proposals back to Cabinet on whatever I come up with. I understand the position particularly for the brickie who is not fit at 65 to haul bricks around. There are all kinds of new systems for construction but it is hard work and that is the bottom line. If they are self-employed, which many manual workers are, bringing back the transition pension would be of no benefit to them whatsoever, so that will not solve that problem.

We need to be honest with people on this. Every country in the world is struggling with pension demographics. Many countries have increased the pension age. In fact, the pension age was increased in Northern Ireland to 66. This Government is retaining the pension age at 66 and we are clear that we will need to pay for that with increases to the PRSI.

I ask for the Acting Chair's indulgence. Amendment No. 7, tabled by Senator Ruane, sought a report on income adequacy for lone parents. I wish to tell her I am doing that report. I do not want to put it in legislation, but I will do the report.

Amendment put and declared lost.

Acting Chairperson (Senator Pat Casey): Amendments Nos. 9 to 12, inclusive, are ruled out of order due to a potential charge on the Revenue.

Amendments Nos. 9 to 12, inclusive, not moved.

Section 45 agreed to.

NEW SECTIONS

Senator Lynn Ruane: I move amendment No. 13:

"**Report on extending eligibility for long-term carer's qualifying contributions**

46. (1) The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on options for extending eligibility for long-term carer's qualifying contributions to those who spent less than 1,040 weeks providing full time care to a relevant person or qualified child.

(2) A report under *subsection (1)* shall consider, *inter alia*—

(a) options for reducing the minimum number of contribution weeks from 1,040 to—

(i) 520 weeks, and

(ii) 260 weeks, and

(b) options for removing and minimising other obstacles to eligibility for qualifying contributions for carers of any duration, including time spent in education, weekly payments received and other matters.".

The introduction of carer credits and the recognition of years spent caring in terms of pension contributions is welcome. We, in the Civil Engagement Group, have called for this for many years. Senator Higgins, in particular, has highlighted this issue year after year in the budget. The State of Caring 2022 report noted that taking on caring responsibilities results in long-term financial hardship, with the loss of income from employment exacerbated by higher household costs. Survey results from the report also showed that more than two in three, or 68%, of carers said they find it hard to make ends meet, while carers forego income to in order to take on caring responsibilities at home, making themselves economically vulnerable in the process. They are also saving the Exchequer millions of euro in return. This sacrifice made by carers has been totally unrecognised up until now, as the years spent caring were not recognised at all in terms of pension contributions, despite the fact that their caring work saves the State so much money. Finally, this injustice is beginning to be rectified.

I commend this measure and recognise the progress that is being made. This measure is a positive first step forward. However, we need to go a little further. Our amendment seeks to address concerns with the policy as currently drafted. It seems that many will still be left out by the measures that are proposed. Our amendment seeks a report on reducing the minimum number of required contributions and on removing obstacles to qualifying for the contributory pension. The minimum requirement of 1,040 weeks, or 20 years, of caring contributions is prohibitively high in many cases, and will mean that countless carers, who have spent three, five or ten years caring, will be excluded. These carers may have worked in employment for 30 years, and may have given up employment to take on a full-time caring responsibility for another ten years. Will these people simply fall through the cracks as they will not have sufficient employment or care contributions to qualify for the contributory pension? It does not seem fair if that is the case. The stated purpose of the policy is to cover gaps in the contribution record for carers. What if the gap is only ten years, and not 20? Why should these people be excluded from the contributory pension? Can the Minister clarify whether some sort of hybrid model will be adopted, whereby a combination of employment and carer contributions of any number of years can be used to qualify for the contributory pension, and if there is any scope for flexibility in the minimum contribution weeks?

Amendment No. 14, on a report on expanding recognition of long-term carer's qualifying

contributions, seeks a report on the potential to expand recognition of care contributions beyond pensions to other social protection entitlements. It is important to make clear that the legislation introduces long-term carer contributions only in respect of pensions, which means that any other social protection benefits which require PRSI contributions will not be accessible on the basis of care contributions. That means that the work of carers will not be fully recognised in its entirety. I will use the simple example of treatment benefit and the free annual dental check-up which we can get on the basis of our PRSI contributions, and which so many of us avail of every year. It would be wonderful if we introduced a model whereby care contributions were expanded to function like standard employment contributions, such that carers could also get contributions such as those that would fall under treatment benefits. I commend the very positive step forward being taken in terms of recognising care via the long-term carers contributions. It is something that we have called for for a long time. It would be wonderful to see the policy expanded even further, so that care contributions were captured elsewhere.

Senator Aisling Dolan: I welcome the Minister. Her focus is particularly on carers, as has been highlighted in the amendment. It has been absolutely crucial. As she will be aware, in rural areas it is family carers who are doing a lot of the work. It is very difficult to access carers in rural areas for many different reasons. Access for people living in city centres is a bit easier because there are more people available to do the work. In rural areas, that is just not the case, so it falls to families and family members to do the work.

I know that the Minister has been looking at the role of family carers. It is literally what she has brought through. She is looking at how to support families and, in particular, women who have been managing caring in the home to ensure that they get access to contributory State pension. I note that the income disregards will be enacted from June of next year. Those income disregards will be very important in terms of the income threshold for carer's allowance. The Minister might comment on the access to those supports. As far as I am aware, the disregards will be enacted in June of next year, but she might comment on that.

I am aware that the means test is something that the Minister is looking at for carers overall, because we know how much carers contribute. There is no price that can be paid to be able to keep a loved one at home. We see the grants that come through local authorities to make our homes more accessible, to adapt them and accommodate family members by putting ramps in or making bathrooms and showers accessible for those with disabilities. So many families go through this. What I have found, in my own area of Roscommon-Galway, is that sometimes families are not aware of the supports that are available through the local authority to help keep people at home. I am very much an advocate for independent living, so that people can live in their own home for as long as possible. Part of the Minister's remit in social protection is looking at how we support family carers because of the role they play. Given the lack of access to beds in nursing homes now, and the fact that patients cannot be discharged from hospital, family carers are important, just as the means test and income disregards are for them. I know that the Minister has been looking at this group in particular over the last number of years, with a view to ensuring that the carers means test is reasonable and will encourage and support family carers and women in the home, particularly around part-time access. Some of the questions I have are around cases where a carer has been working a certain number of hours per week, and whether they will be able to access those supports. I was contacted by a single mother with a full-time job in a hospital on the lower end of the scale who, unfortunately, was not able to access any sort of carer support for looking after her brother at home. How do we support those people? They are women who are usually in their 30s, 40s and 50s, who have young families,

are working full time and also trying to take care of a loved one. That is the situation I see in my area.

Deputy Heather Humphreys: I thank the Senators for their comments. I will speak to amendments Nos. 13 and 14 together. I do not propose to accept them. The Pensions Commission concluded its detailed analysis of the State pension system in late 2020 and recommended that long-term carers, which it defined as caring for more than 20 years, should be given access to the State pension contributory by having retrospective contributions paid for them by the Exchequer for any gaps in their contribution history arising from caring. The measures contained in this Bill are to implement this recommendation. In formulating its recommendations, the commission sought the views of recognised experts and representative groups by inviting presentations and submissions. In this regard, Family Carers Ireland and the National Women's Council of Ireland made presentations to the commission on this particular issue of improving access to State pensions for long-term carers. As I said earlier, Family Carers Ireland strongly support the measures I am taking.

Regarding amendment No. 14, in reaching its conclusions, the Pensions Commission recommended that the contributions would be exclusively for State pension contributory purposes. Full-time carers can currently access a number of supports from my Department including carer's benefit, based on social insurance record, or carer's allowance, based on means. Both payments accrue credited contributions which can confer entitlement to certain other social welfare schemes. In addition, other non-means-tested payments available to full-time family carers include the annual carer's support grant and the monthly domiciliary care allowance where relevant. Access to other social insurance payments is subject to the conditions attached to these payments and where a carer meets these conditions, they will qualify. Where a carer meets those conditions, he or she will qualify.

I do not believe that further reports on carers and State pension provision is warranted at this time. A person who has provided less than 20 years' caring may be entitled to avail of home caring periods or the homemaker's scheme, subject to the existing qualification condition of having 520 paid contributions. This is to look after those who have provided over 20 years' caring. We do cater for those who have provided under 20 years' caring. Once people have worked for ten years, they can get credits for the time they spent at home, up to 20 years.

Carers can also work 18.5 hours per week and receive the full carer's allowance. Last year, I changed the means test and from June next year, I will change it again. I have increased the amount one can have in savings to €50,000 and have increased the income limits for both a single person and a couple. That is two years in a row I have increased those limits. The capital disregard is €50,000. The domiciliary care allowance, which is not means-tested, was increased by a further €10 per month in this budget.

I think I have covered all the issues that have been raised with me. I fully recognise the important role carers play in our society. The purpose of social protection is to provide people with a basic income. I cannot pay people for what they do. They do a lot of work. I have asked that we set up an interdepartmental group to look at the whole issue of carers because the Department of Health has a role to play here as well and there are other, non-financial supports with which we can improve the situation. I met with Family Carers Ireland and it is very happy with this. I am the first Minister in 20 years to have done anything about carers, and they are very pleased. Of course, there is more work to be done, but we have achieved quite a lot now to get this here and to make sure they get a pension because God knows they deserve it. What is

better about this is that if you have been unsuccessful in the past in applying for a pension, you can now, after 1 January, once you can show that you have been caring, apply for the pension. If, say, you are past the pension age and did not qualify, you can reapply now once you can show that you were providing such care. I think in particular of a mother caring for a child with a long-term disability. The child passes on, the mother cannot go back to work at that stage because she is at retirement age, and she is left with no income because of her partner's income. I was very conscious of that, and this will make a difference to people in such positions, I believe.

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 14:

In page 25, between lines 30 and 31, to insert the following:

"Report on expanding recognition of long-term carer's qualifying contributions

46. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on options for expanding recognition of long-term carer's qualifying contributions such that they may be recognised not just for the purposes of accessing the State pension (contributory) but also for the purposes of accessing other social protection entitlements.".

Amendment put and declared lost.

Sections 46 and 47 agreed to.

NEW SECTION

Senator Lynn Ruane: I move amendment No. 15:

In page 30, between lines 7 and 8, to insert the following:

"Report on restoring right of persons aged 65 years to retire on State pension (contributory)

48. The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on options for restoring the right of persons aged 65 years to retire on State pension (contributory), including analysis of options to fund such a measure through increased employer contributions to the Social Insurance Fund.".

Amendment put and declared lost.

Senator Lynn Ruane: I move amendment No. 16:

In page 30, between lines 7 and 8, to insert the following:

"Report on equality impacts of deferred pensionable age

48. (1) The Minister shall, within 6 months of the passing of this Act, prepare and lay before both Houses of the Oireachtas and the Joint Committee on Social Protection a report on the distributional and equality impacts of the deferred pensionable age, in particular an analysis of how such a measure will impact different types of workers of

different income levels.

(2) A report under *subsection (1)* shall include analysis of alternative proposals for pension reform which would benefit manual, service, gig workers, and all other types of low income worker, including options for a universal pension.".

Amendment No. 16 seeks a report on the equality impacts of deferred pensionable age. It seeks an analysis of how this policy would benefit different types of workers and different income levels and whether it would benefit higher-income workers more than low-income workers. The amendment also seeks revised proposals for pension reform which would benefit low-income and manual workers.

It is a huge concern that this new policy of optional deferral will function, in reality, for most people as a pension cut by the back door. It is alarming to imagine a future scenario in which a deferred higher rate of pension is used as a justification for failing to increase the baseline rate of State pension adequately as the years go on. It is easy to imagine working-class people in physically demanding jobs who want and need to retire at 65 being shamed in a way or simply told that if they want the higher pension, they can work for longer. No one should have to make such a decision after decades of hard labour.

Let us look at the profile of people now coming to the age of 65. All my aunts and uncles are now aged between their late 50s and 65 and they think of the deferred pension. They have been working not just since they were 18 and left school. There are people in that age bracket who have been working since they were ten or 11, so they have often already worked 15, 16 or 17 years longer than people in any other age bracket. Early school leaving was prevalent among the generation of people approaching 65. My mam and her ten siblings are all approaching that age. Over the next few years, therefore, the generation of early school leavers, among whom there was not a high rate of people making it through secondary school, will be impacted not only in the sense that they could end up on a lower rate of pension, having to work longer to get to the higher rate, but also in the sense that they have already worked sometimes a hell of a lot more years than most of us have.

The reality is that this policy of an optional pension deferral is for a very specific type of worker. Very few people who have put in such a lifetime of work in a physically demanding, low-income job will have the ability or desire to defer their pension. If they do, that is an option for them, obviously, and if they feel they have the capacity, that is fine, but for many people such as those the Minister mentioned - bricklayers, people working on sites, people working with their hands and people working on their feet all day - I feel, and many of us feel, that it is morally unacceptable to associate a higher rate of pension with a deferral because it essentially amounts to a cut for the working class, who may not be in a position to work those optional years. Those who work in services, behind desks and so on, largely enjoying relatively higher incomes throughout their lives, will be offered a higher rate of pension at the end of it all, despite the fact that they will need it far less than their lower-income counterparts who cannot work for longer, and despite the fact that they are far more likely to have private pensions of their own.

This is a wrong direction for pension reform. I note that Senator Higgins also has repeatedly highlighted in recent years that the cost of a universal pension would be in the region of €3 billion per year. We are already spending €3 billion on private pension tax relief alone, a benefit which we know accrues mainly to high-income earners. Some 70% of that relief accrues to the

top 20% of earners, so a reform is crying out to be made, given the constant rhetoric we hear about the unaffordability of pensions and given our ageing population. If we are so concerned with making pensions affordable, why do we not start there? I have already highlighted, in respect of a previous amendment, that other countries in Europe with much older populations and much less thriving economies have not had to resort to increasing the pension age, as Ireland's Government has done.

I urge the Government to pursue pension reforms which benefit all workers equally and to keep in mind that for some people it will not be an option to defer their pension due to the type of work they have engaged in. They may also not meet the criteria for disability and may have to jump through several different hoops to then be determined as disabled at a certain point when, really, it is just a lifetime of hard labour that has got them to 65 and now being ready to retire after it. Some people may end up with a disability whereby they can shift onto payment before any sort of deferred pension. However, as regards those workers who do not fall into that bracket and potentially do not want to be categorised as disabled, their bodies are tired from the type of work they have done and the length of time they have had to do it. We feel, therefore, that this is a retrograde step and we have many concerns about the optional deferred pension age.

Senator Paddy Burke: How will this work on the ground? I will outline a couple of scenarios. The first relates to people who may wish to retire at the age of 66 and draw a pension and maybe work two or three days a week. Will such people pay PRSI on their earnings afterwards? Is there no PRSI on it? Can they opt to pay PRSI on earnings and then get a higher pension when they stop work completely? On the other hand, there is a difference the rates at ages 66, 67 and 68 or whatever. If it is €20 per week, let us say, for each bracket. As time goes on, the gap will get bigger because there will be index-linked pensions in future. Even if a pension is not index-linked, it will be on a *pro rata* basis. The difference in the rate for a person of 66 and the rate for another person might go to €22 the following year. Alternatively, will the gap stay the same every year to eternity or until a new pension proposal is brought in? I hope the Minister gets the point I am trying to make. In the context of people who are not drawing the full State pension, the gap is getting wider every year. The gap between pensioners entitled to the full State pension of €267 or whatever it is per week and those who are on maybe 90% and are drawing maybe €230 per week is widening every year. How will this new pension proposal work on the ground in the context of those two issues?

Deputy Heather Humphreys: I thank the Senators for their comments. I do not propose to accept the amendment. As I said in respect of similar amendments requesting reports, legislation is not the appropriate vehicle for seeking reports. I understand why the Senator tabled the amendments, however.

As they will be aware, pension deferral will only be introduced for those who reach age 66 on or after 1 January 2024 and it is entirely voluntary. We are giving greater flexibility in order that people have more choice. They know best what suits them. This is completely voluntary. People reaching the age of 67 will not receive a deferred pension rate until 1 January 2025. A table is provided that shows how much extra a person who is 66 in January and works an extra year will get. The baseline is the State pension, which is paid at age 66. For every year longer a person works, there is an actuarial review done. The base rate for those aged 66 will go up again in January, by €12, and there is an increase for each year a person works longer. The longer you work, the more you get. Some people might want the higher pension, but many other people want to make up their contributions in order that they can get a full pension when they

retire. As we know, many people might be four years short of the full State pension. If people are a year or two short, they can work those extra years to make sure they get a full pension. It is completely voluntary.

In considering the gender and equality impacts of the introduction of flexible access to the State pension system, the Pensions Commission noted that international experience was that the take-up of deferral in OECD countries tended to be very low. Potential impacts may be on the pooling of finances in households where the primary claimant defers. However, the commission noted the impacts were likely to be minimal.

In light of the fact that deferral only begins from January 2024 and it is an entirely voluntary system, any consideration of the distributional and equality impacts of the deferred pensionable age would be premature. Such analysis will be better informed following a period of at least ten years to consider how deferral operates in practice.

As regards subsection (2) of the proposed amendment, the Pensions Commission concluded its detailed analysis of the State pension system in late 2020. This included consideration of a wide range of reforms of the State pension system, including workers in hazardous or arduous occupations and those with long records, and options for a universal pension. In this regard, I do not accept that a further report on State pension reform is warranted at this time. The commission examined submissions that suggested establishing a universal State pension system. It noted that:

> introducing a universal pension system (either immediately or with a transition period) would require either considerable additional revenues, or, if introduced on a cost-neutral basis, very significant diversion of funds from elsewhere. Potential consequences of introduction of such a pension include a large reduction in the current payment rate of the State Pension, substantial increases in the rate of tax deductions (on the basis that PRSI contributions would cease for State Pension benefits), or measures such as reducing tax relief on occupational and private pensions, which would impact on the take-home pay of the workers affected.

That is the view of the Pensions Commission. When announcing the Government's response to the commission, I secured Government approval to examine a scheme to modify the current benefit payment for 65-year-olds to provide a benefit payment for people who, following a long working life of 40 years or more, are not able to remain working in their early 60s. In the meantime, people under the age of 66 who cannot work for health reasons can apply to avail of the invalidity pension and disability allowance schemes or the benefit payment for 65-year-olds.

On the issue raised by Senator Burke, those who draw down a State pension and continue to work will not have to pay PRSI. He asked about the different rates for each year. I have published them. They will be reviewed every five years in line with an actuarial review.

Senator Lynn Ruane: I understand the voluntary nature of the proposal and that every scenario cannot be legislated for but I am thinking of households comprising a widow or a man on his own, where the only payment coming in is that person's pension and there is no pooling. In that scenario, the man may not have had the type of job where he could pay into a pension. He may have worked a very working-class job for his entire life and may wish to retire at the age of 66, but is told he can get a higher rate of pension voluntarily if he works longer. He would not

have a desire to do so but would do it of necessity because the income of his home may depend on him and, whether the scheme is voluntary or not, he may feel that he needs to work longer in order to increase that income. If I stay in politics or go into academia or whatever, it might be much easier for me to decide to defer my pension age when I am 66 and work until I am 68. It would not take a physical or emotional toll on me to do that but even though it is voluntary, many people will feel like they have to defer their pension age even through they do not want to do so. They may not feel physically or psychologically able to keep working but they will do so because they know that if they defer, they will get a higher rate which they believe their household needs. It is not based on their ability to keep working, however. Even though this is voluntary in nature, coercion comes into it in many ways. People have to make decisions for their family. To take those people into account, it is necessary to have a real insight into the class or equality impacts and the nature of some types of work. I understand that disability allowance and invalidity pension are available but some people who simply cannot physically or psychologically work past the age of 66 might not want or need to be categorised in that way. I have watched men go out to work whose hands would crack in half if you tried to move them. They may have been working with cement all day or doing another job. When my father retired, there was not enough income in the house. I watched him go out in the early stages of Parkinson's disease to do a security job across the road at night.

7 o'clock

When people's household incomes are at such a low rate and there is an option for a higher rate, whether they feel like they can do it or not, they are going to maybe do it. There is something about being able to capture and protect those workers in a way that they do not feel pressured to work past what they feel they are physically and psychologically able to do just so they can access a higher rate of pay, whereas if people work in a job that takes less of a toll, it will be much easier for them to make that decision. People who have a higher level of education or have maybe a more professionalised background will find it much easier to access the higher rate than people who have been working highly laborious jobs their entire lives. It is something we should be assessing and thinking of when it comes to that deferred rate. There needs to be some sort of other category that captures the type of work or manual labour people have been doing in order that they do not end up on a lower rate or end up working longer just to get the higher rate because needs must.

Deputy Heather Humphreys: The age of 66 remains the core rate and it is the bedrock of our pension system. International experience is that very few people actually defer but we wanted to give them the flexibility as to whether they want to make those choices. The deferred pension is not a higher pension. It is an actuarial adjustment because people are obviously not drawing down their pension and they are working that bit longer to increase their contributions. They are paying more contributions into the system. I am happy that what we are doing here is the right thing to give people the choice if they want to work on. We have look at this and the Pensions Commission looked at it in detail as well. I am satisfied that this is the way forward. Of course, like anything else, it can be reviewed down the road. That will be up to these Houses to decide. It can be changed, but this the best offering we can put forward at this time.

Amendment put:

The Committee divided: Tá, 5; Níl, 19.	
Tá	Níl

Flynn, Eileen.	Ardagh, Catherine.
Ruane, Lynn.	Blaney, Niall.
Sherlock, Marie.	Burke, Paddy.
Wall, Mark.	Casey, Pat.
Warfield, Fintan.	Cassells, Shane.
	Chambers, Lisa.
	Conway, Martin.
	Crowe, Ollie.
	Cummins, John.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Fitzpatrick, Mary.
	Garvey, Róisín.
	Lombard, Tim.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Ward, Barry.

Tellers: Tá, Senators Lynn Ruane and Eileen Flynn; Níl, Senators Paul Daly and Regina Doherty.

Pursuant to Standing Order 57A, Senator Alice-Mary Higgins has notified the Cathaoirleach that she is on maternity leave from 19th June to 19th December, 2023, and the Whip of the Fianna Fáil Group has notified the Cathaoirleach that the Fianna Fáil Group has entered into a voting pairing arrangement with Senator Higgins for the duration of her maternity leave.

Amendment declared lost.

Sections 48 to 53, inclusive, agreed to.

An Cathaoirleach: Amendment No. 17 in the name of Senator Craughwell has been ruled out of order as a potential charge on Revenue.

Amendment No. 17 not moved.

Schedule 1 agreed to.

SCHEDULE 2

Question proposed: "That Schedule 2 be a Schedule to the Bill."

Senator Paddy Burke: I wish to raise an issue with the Minster. It is not entirely in her

Department but the job seeker part of it is and is under this schedule. The Minister for public expenditure comes into it as well, but it relates to members of An Garda Síochána who joined the force after 1995. They do not retire on the same pension as gardaí who joined prior to 1995. They can make up the difference but they have to go on jobseeker's payments for nine months after they retire. Is it fair to ask this? The people who joined after 1995 have a different pension to those who joined before that. There are a couple of reasons why it does not sit will with An Garda Síochána, and I suppose if we were in the same position ourselves, it would not sit well with us either. Those who joined after 1995 must go on jobseeker's payments for nine months after they retire to make up the difference to bring them up to the same level as the Garda pension for pre-1995 entrants. They are only allowed two weeks' holidays so they have to explain to the Minister's Department why they are on jobseeker's payments and they have to be available for work. Then, if they work, there are deductions afterwards to the pension that they get. It is not very fair, in my view. I ask the Minister that she and the Minister for public expenditure and reform go back to the Government and look at the Garda pension set-up because of the big difference between those members who joined prior to or after 1995. Then there is a different scenario again with those who joined after 2013. There is the one pension Act. Gardaí are not happy about this. It is not very fair that they have to go on jobseeker's payments after they retire to make up the difference to bring them up to where they would have been had they joined before 1995. There is a huge difference there and I ask the Government to look at that.

Deputy Heather Humphreys: I met one of the Garda representative associations on the matter. It specifically relates to the Department of public expenditure and reform. Apparently it was some agreement that was entered into some time ago. I may be corrected on that but it was not with my Department. It is a matter for that Department. I am happy to raise it again with the Minister for Public Expenditure, NDP Delivery and Reform.

Senator Paddy Burke: I thank the Minister.

Question put and agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

An Cathaoirleach: When is it proposed to take the next Stage?

Senator Paddy Burke: Now.

An Cathaoirleach: Is that agreed? Agreed.

Question proposed, "That the Bill do now pass."

Senator Paddy Burke: This is very generous legislation which makes very generous contributions to people. I congratulate the Minister on it and wish her will with it.

An Cathaoirleach: I thank the Minister for being back with us in the House for this very important Bill. We know she has had a difficult couple of weeks. We offer our best wishes and deepest sympathies.

Deputy Heather Humphreys: I thank the Senators for their co-operation. I wish them all well as we head into the Christmas season. It means the Bill will now go to the President and everyone will get an increase on 1 January.

Question put and agreed to.

Social Welfare (Miscellaneous Provisions) Bill 2023: Motion for Earlier Signature

Senator Lisa Chambers: I move:

That pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Social Welfare (Miscellaneous Provisions) Bill 2023 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

Cuireadh an Seanad ar athló ar 7.11 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 13 Nollaig 2023.

The Seanad adjourned at 7.11 p.m. until 10.30 a.m. on Wednesday, 13 December 2023.