



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Déardaoin, 18 Samhain 2021

Thursday, 18 November 2021

Chuaigh an Leas-Chathaoirleach i gceannas ar 10.30 a.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Leas-Chathaoirleach: I have notice from Senators Fiona O'Loughlin and Mark Wall that, on the motion for the Adjournment of the House today, they propose to raise the following matter:

The need for the Minister for Education to make a statement on school place shortages in south County Kildare.

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

The need for the Minister for Finance to ensure that the National Asset Management Agency is fulfilling its mandate to contribute to both the economic and social development of the State.

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

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

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

The need for the Minister for Children, Equality, Disability, Integration and Youth to make a statement on the proposed inclusion of gender identity as a protected ground under the review of the Equality Acts.

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

The need for the Minister of State at the Department of Housing, Local Government and Heritage with responsibility for heritage and electoral reform to make a statement on the current charge of €2,500 imposed by Irish Water on local authorities connecting to a water refill station.

18 November 2021

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

The need for the Minister for Social Protection to make a statement on the steps being taken to reduce the backlog in birth registration and birth certificate services.

Of the matters raised by the Senators suitable for discussion, I have selected Senators O'Loughlin and Wall, who are sharing their time, Ruane, Lombard and Keogan and they will be taken now. I regret I have had to rule out of order the matter raised by Senator Garvey on the ground that the Minister has no official responsibility in the matter. Senator Sherlock may give notice on another day of the matter she wishes to raise.

Nithe i dtosach suíonna - Commencement Matters

School Enrolments

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Fleming, and call Senator O'Loughlin.

Senator Fiona O'Loughlin: I thank the Leas-Chathaoirleach. I am, of course, happy to share my time. The very first Commencement matter I raised in this House was on this exact issue. Here we are a year and a half later and the situation is only getting worse. I am speaking on behalf of tens, if not hundreds, of families who are at a complete loss due to their children not being offered any secondary school place for next September. We had this situation last year and it was only alleviated by an extra class being taken by Newbridge community school. We had it the year before and the year before that. Schools are trying to do their best to accommodate the students who want to attend but it is proving to be an impossible situation. There is a huge need for a new school. That has long been agreed but there is an inordinate amount of delay in the acquisition and provision of a site.

I appreciate the Minister of State is here to take this. I had a conversation with the Minister for Education, Deputy Foley, this morning. She has a meeting at this time but I had asked for an urgent meeting. She assures me that site is almost at a closing stage. However, that is still not going to solve the problem for those who need a place next September. I have reached out both to the primary schools which the sixth class pupils are leaving and to the secondary schools to get their views, input and experiences. There is a huge amount of anxiety on the ground. I am hearing it from parents, students and teachers. The teachers are very concerned about the young people they are teaching. The young people feel isolated because they do not have places. One principal was talking about a child who is 44th on the waiting list in one school, 67th on another and 88th in a third. It is unacceptable. Young people have enough to cope with, given the challenges of life, without adding to it the worry of not having a school place or being able to be in school with their friends.

Senator Mark Wall: I welcome the Minister of State. I am also glad to be sharing time on this very important matter for families in south County Kildare. I, like my colleague, have raised this continually since becoming a Member of the Seanad. Indeed, I think this is the third time I have raised it on the Commencement.

We need a temporary three- to four-year plan. We have just heard we may have a school that was promised and announced in 2018 but we still do not know that with any certainty. There is no certainty for the families ringing my office and others and crying down the phone. That is what is happening at the moment. This school was promised in 2018. It was to be a new 1,000-pupil school, yet we do not even have a site for it. That is not acceptable.

I wanted to bring some of the parents' worries and concerns to the Minister of State this morning. As he can see, I have received much correspondence. I will mention some of it:

From day one, the application process put huge amounts of stress on the children. The school spoke directly to the children, asking them to relay the message to parents. This caused panic, a feeling of being overwhelmed and my 11-year-old couldn't understand why she had been told she had less chance of getting a place because she is the eldest. She was so distraught in school that a teacher had to take her aside to assure her it would work out. It hasn't worked out. She is number 35 on the waiting list.

Another parent wrote:

My son is 11 years old. Last Friday he received an unsuccessful application for his secondary school place in Kildare Town. Since then he won't go out playing with his friends.

Here is one more example for the Minister of State:

As a parent in Monasterevin we selected our local school because we were told there was a new school in Monasterevin. To say we were shocked when we got no offer for a place for our daughter is an understatement. Our daughter is worried about this. She would rather attend the same school as her friends.

And so it goes on and on. In addition, I received a call this morning from a principal of a rural school in south Kildare who said that parents are now choosing urban centres to send their children to primary school, and bypassing her school, because they think they will have a greater chance of getting a place in a secondary school in Kildare South. This is a crisis. I am glad the Minister of State is in the Chamber and I look forward to what he has to say.

Minister of State at the Department of Finance (Deputy Sean Fleming): I am taking this Commencement matter on behalf of my colleague, the Minister for Education, Deputy Norma Foley, who has another commitment and regrets that she cannot be here. I thank both Senators for raising this matter, which provides me with an opportunity to clarify the current position, which I suspect the Senators are well aware of. It is important to bring it to the attention of the Seanad to keep the pressure on everyone involved in the matter.

To plan for school provision and analyse the relevant demographic data, the Department divides the country into 314 school planning areas and various data is collected as part of this process. Where data indicates that additional provision is required at primary or post-primary level, the delivery of such provision is dependent on the particular circumstances of each case and may be provided through either one, or a combination of, the following: utilising existing unused capacity within a school; extensions to existing schools; or the provision of a new school, which the Senators raised.

As they will be aware, since April 2018, the Government has announced that 47 new schools will be established over a four-year period between 2019 and 2022, some of which will be in the

Kildare area, including two new post-primary schools to serve school planning areas Kilcock and Maynooth, which I note is in north Kildare.

I advise the Senators that the Department of Education is aware of the increasing pressure on south Kildare. Where capacity issues arise, it may not be due to a lack of accommodation but may be driven by a number of factors, which the Senators have mentioned. They include duplication of applications, whereby people put their names down for a number of schools based on geographic grounds, where the family has gone to, or the school they feel they have the best chance to get into; the school of choice, whereby people want to get a place in their preferred school rather than the nearest school; some towns have single-sex schools and while places are available in the school, they are not available to all pupils; and external draw, whereby people might want to travel into an area that has a good reputation. All these issues need to be discussed.

Similar to the process adopted in advance of the current academic year, the Department is engaging with patron bodies, including in the Kildare area, to identify particular capacity requirements for the forthcoming years. A number of building projects are planned for south Kildare, including the Curragh Post Primary School. It is intended that significant additional capacity to address post-primary demand will be provided through a new 1,000-pupil school building that will replace and expand the existing Curragh Post Primary School. In this regard, a site is required to construct the new school. The project is also intended to address the issues in the Kildare-Curragh-Newbridge school planning areas. Departmental officials are currently in negotiation with a landowner regarding the acquisition of a suitable site for the building project. The Department will continue to work closely with officials from Kildare County Council with a view to progressing this. I assure Senators that, having raised this matter today, this project will be given enhanced priority by the Minister. The Department is attempting to bring the matter to a close, as soon as possible, with a view to commencing the architectural planning process to deliver the project.

From my experience in dealing with the situation in Monasterevin, it is essential that there must be a clear understanding on the part of the local authority that the site being purchased is suitable from road traffic and water services point of view. There is no point acquiring a site, as occurred in Monasterevin, that has difficulties with road access and subsequent difficulties. All those aspects must be confirmed before the deal is done, because years could be added to a project if Irish Water were to highlight an issue down the road. I stress to all involved that they need to deal with that issue. My advice from my dealings with these issues is to get a site and make sure it is the absolute right site, and the council must be involved in the process to give a little comfort to that before the site is purchased.

Senator Fiona O'Loughlin: I assure the Minister of State that Kildare County Council has been involved in looking at all the proposed sites with the Department. I agree with him about having the site located in an appropriate place.

I accept the statement he has given us but there is nothing new in it that will give either of us comfort regarding the provision the school places that are needed for next September. That is where the pinch point is. We need provisions in place to make sure that every child in south Kildare has a secondary school place next September. We need to know what the long-term plans are to ensure our school infrastructure keeps pace with the rapid expansion of the area, because a number of housing estates are being built in Newbridge, Kildare, Rathangan and Monasterevin. We do not see the school infrastructure keeping pace with this.

Senator Mark Wall: This school was announced in December 2018. That was three years ago, which is enough time for anyone to ensure that everything is in place. I, too, was involved in St. Paul's school, as the Minister of State will be aware, and that took so long. Three years is long enough for anybody. We are tired waiting on this. It has to happen.

I wish to draw his attention to something he did not say in the final paragraph of his reply. It states: "for the forthcoming year(s) which may necessitate action." I assure the Minister of State and the Minister of Education that we need action now. We cannot afford to have children staying in their bedrooms and not going out to play with their friends because they do not have a place in their secondary school in Kildare South. We need action now, not promises. I could have written the Minister of State's script. It is exactly the same response, as Senator O'Loughlin said, as what we got in May this year. It is simply no good enough. Let us see the plan. I hope he brings that message back to the Minister for Education.

Deputy Sean Fleming: I thank both Senators for strongly driving home the point. I had a similar experience in Portlaoise. It is an expanding area and school places is always an issue. I am providing practical experiences and not the official script. It will take a couple of years to build a new school, even if the contract is signed tomorrow. Architectural design, planning, tendering and construction is required. There will be a few years during which there will be a problem and one of the key solutions is that some schools will have to agree to take on temporary accommodation in the area if children are to be accommodated. There is no point saying otherwise. If it takes a two-, three- or four-year period for all that to be done, the schools in the area will have to come together and collectively agree who will help out in this situation on the basis of it being temporary accommodation. That is the practical advice I have to offer. I have a long script to hand, all of which I did not get to read in the time available. A lot of work has been done in this area. On a temporary basis, there must be a coming together between the various school principals and boards of management to see what solution can be put in place. Otherwise, there will be problems and people will leave the area to go somewhere else, and may never come back, to finish their secondary schooling. It is important that this happens.

National Asset Management Agency

Senator Lynn Ruane: I thank the Minister of State for being in the Chamber. We need to talk about the National Asset Management Agency, NAMA, and, more specifically, what the agency is doing to fulfil its mandate to contribute to the economic and social development of Ireland. While the agency may be fulfilling its economic mandate, it has dropped the ball regarding its contribution to the social development of the State. We often hear about NAMA's duty to achieve the best financial return on the lands and properties it controls. In doing so, the agency cannot but neglect its social mandate. The Department of Finance has provided some clarification in recent weeks in the Dáil Chamber. I welcome the data provided that detailed the agency's housing delivery pipeline and the extent and spread of land for development that it controls.

According to its annual statement for 2022, NAMA fulfils its social objective mainly through the provision of social housing in existing housing stock controlled by the agency. The 2022 report further advises that up to July 2021, NAMA had identified more than 7,000 units as suitable for social housing, but almost 5,000 of these subsequently were not required at the time, deemed unsuitable or became unavailable. While NAMA has provided 629 more units

for social housing than its initial target of 2,000, the agency could, and should, be much more ambitious. As NAMA has achieved the delivery of 2,000 units for social housing, it is now time to revisit its targets for social housing delivery and develop a more ambitious strategy for the remaining life cycle of the agency, taking into account the agency's position as a debt-free State-owned entity with €1.2 billion in cash reserves and vast parcels of land in its control. In the context of the worst housing crisis that this country has ever seen, I struggle to accept the arguments against doing so. As I mentioned, more than 5,000 NAMA-controlled units were ear-marked for social housing, but later deemed unsuitable, unavailable or unrequired. Given the significant impact that these units could have had on housing lists around the country, I am of the view that we require a more detailed breakdown of the specific criteria by which these homes were deemed unsuitable, unavailable or unrequired. If it is the case that local authorities or housing associations are not purchasing housing stock that has been offered to them through NAMA, we need to know and hear why.

The National Asset Management Agency Act 2009 states that: "In the exercise of its functions NAMA shall have regard to the need to avoid undue concentrations or distortions in the market for development land." At the same time, NAMA is engaging in practice which can be viewed as distorting the property and development markets. It does so by sitting on vacant housing units and swathes of vacant land, and selling land and developments *en bloc* to multinational property funds, often at prices that are inaccessible to domestic finance. At the Committee of Public Accounts in September, the chairman of NAMA advised that only 8.4% of the development potential of sites sold by the agency had been realised as of March 2021. While I understand that NAMA has certain obligations under the EU state aid rules, the European Commission has advised of the potential for Government intervention to preserve a well-functioning and equitable economy. In dialogue with my colleagues in the Dáil, I note that the Minister has advised that it is not the Government's intention to amend the legislation which provides for NAMA at this late stage in its lifecycle. However, the NAMA Act contains a provision enabling the Minister of Finance to confer "additional functions connected with the functions for the time being of NAMA as he or she thinks necessary for the achievement of its purposes..." Has any consideration been given, or can any consideration be given, to conferring additional functions on NAMA to support it in achieving its purpose, namely, to contribute to the social development of the State, in addition to its economic mandate?

Deputy Sean Fleming: I thank the Deputy for raising the issue in relation to NAMA, which has been ongoing for a number of years. NAMA was given a difficult job to do when it was established as an independent commercial body with a very specific legal and commercial mandate, which was approved not just by the Dáil and the Seanad, but specifically by the European Commission, in 2010. It is following its legislative mandate, as established by this House, the Dáil and the European Commission.

NAMA has, to date, made considerable progress toward the achievement of its objectives. Subject to its commercial mandate, but often complementing it, NAMA continues to seek to make a positive social and economic contribution to the State across its remaining activities. In line with this, a key part of NAMA's remaining mandate will be to continue to make a significant contribution to the supply of housing within the State where it is in a position to do so.

NAMA has already made a significant contribution to social housing, including establishing a special vehicle, National Asset Residential Property Services, NARPS, to expedite delivery. NARPS has leased 1,370 units to local authorities and approved housing bodies, AHBs. In total, to date, NAMA has delivered over 2,640 homes for social housing. These figures exclude

social housing delivered on NAMA-funded residential developments in compliance with Part V planning obligations. NAMA has directly facilitated the delivery of 13,000 residential units on secured sites and a further 8,900 units have been built on sites which benefitted from NAMA funding but which were subsequently sold by current and former NAMA debtors and receivers. NAMA has also played a key role in the resolution of unfinished housing estates within the State. While NAMA is delivering houses directly, it is also leasing them to local authorities and AHBs. Houses are also being delivered through the Part V planning process. NAMA has directly facilitated the delivery of 13,000 residential units and 8,900 units have been built on sites which NAMA helped to co-fund. I wish to point out that there has recently been some uninformed commentary on the amount of residential units that NAMA can, and has, delivered. It is important, in that context, to set out the factual situation, which I have set out briefly. On this basis, NAMA expects to deliver a further 2,000 units from its secured portfolio.

In addition to that, NAMA has a broader role in relation to other social aspects of Irish life, including employment, which is very important. In terms of its contribution to urban regeneration, NAMA has been critical in driving and supporting the delivery of new grade A office space in the Dublin Docklands area strategic development zone, SDZ. This development has had the supplementary benefit of encouraging foreign direct investment and bringing much-needed employment to the area. When fully complete, the sites in which NAMA originally had an interest will provide 4.2 million sq. ft of commercial space and over 2,000 residential units. It was directly involved in that area. It is not just working on delivering housing, but on bringing employment into key areas, as part of urban renewal and regeneration.

An important part of NAMA's work is to facilitate the sale of properties for social purposes. NAMA has worked closely with Government Departments, State agencies and local authorities. We all know that a number of years ago, NAMA offered many properties to local authorities around the country. Many local authorities felt that they were not suitable for their purposes. I suspect that if they were offered those properties today, they might take a different view. The properties offered were not always taken up by the local authorities. NAMA has delivered a number of properties to State bodies across Ireland for a variety of purposes, including 25 sites for schools and other education facilities; 18 sites for public amenities, such as parks, sports clubs, community centres and historic sites; 15 sites for essential transport and infrastructure projects, such as roads, flood defences and water treatment; ten sites for urban regeneration and housing projects; six sites for civic offices, Garda stations or healthcare facilities; and various sites for Industrial Development Authority, IDA, projects. Therefore, it has been very active within its commercial mandate, helping so many sectors of the economy and delivering housing.

Senator Lynn Ruane: As the Chair of the Committee of Public Accounts, in 2019 the Minister of State himself commented on the unacceptable delay in terms of what NAMA should be doing, yet, according to his presentation today, NAMA is doing all that it can. I am wondering what has changed since 2019. One of the key points is that NAMA states that it will not build the 10,000 units that it could, because they are not viable. I wonder according to whose analysis they are not viable. Could NAMA not work with agencies, such as Ó Cualann, which are saying that they can build viably, to build on those sites? Of the units that the Minister of State mentioned, how many are sold on to private investors?

Deputy Sean Fleming: I am not saying the Senator is unaware of this, but it is important to note that NAMA does not own the development sites in its portfolio. The public does not necessarily know that. NAMA owns the loans; it does not own the land or the properties. The

properties are owned by developers who owe money to NAMA. If the developers can clear their debts with NAMA, they are gone. If they clear their debts to the State, they are gone. NAMA does not own the sites over which it has mortgages. It has a financial interest, but it cannot direct issues on those matters.

As I mentioned, NAMA has helped with unfinished housing estates. NAMA expects to transfer a total lifetime surplus of €4.25 billion to the State as a result of its work. To date, €2.75 billion of this surplus has already been transferred to the State. Ultimately, one of NAMA's contributions to the social and economic development of the State will be the full redemption of the €32 billion in debt, thus eliminating any further contingent liabilities to the State. This comprises €30.2 billion of Government-guaranteed senior debt and €1.6 billion of subordinate debt, as well as the payment of €2.7 billion surplus to the Exchequer, with another €1.5 billion planned. The best job that NAMA can do is to get all that money back for the State so that the State has the value of it to do all the things that I have just spoken about.

NAMA has done a lot of good work. When it winds down, I think its main achievement will be to have returned over €4 billion to the State, together with delivering the full list of projects that I mentioned earlier.

11 o'clock

General Practitioner Services

Senator Tim Lombard: I welcome the Minister of State to the Chamber. I raise the issue of medical cover required on Saturday mornings in the towns of Clonakilty, Skibbereen, Rosscarbery, Enniskeneane and Kinsale. Unfortunately, there is a dispute between the GPs and the HSE about who covers what and when. As a result, there is the potential there will be no such GP cover across the entire west Cork. There has been a breakdown in communication and trust. Particularly now when we all need to pull together to deal with the Covid crisis, it does not make any logical sense for the HSE, without consultation, to have pulled payments for Saturday morning cover since last July for a cohort of GPs across west Cork. Since last July, the GPs who cover those Saturday morning clinics have not received payment for those clinics. Effectively, they are working for free. They are providing a service to the community for which they are not receiving payment. That is a change in practice by the primary care reimbursement service without any consultation with the GPs. There has always been a lag in payments and those GPs were expecting to receive payment six to eight weeks later but since July payments were stopped without consultation. There is a fear that an apartheid system could develop with those GPs only covering private patients and not public patients whom they are also obliged to cover. This is a major issue. As the Minister of State is aware, there is a crisis with respect to the shortage of GPs going into GP practice. There is a lack of confidence among GPs about the sustainability of GP practices. As a result of this dispute more and more GPs will walk away from this service. With the Covid crisis, there could be a limit on cover for these Saturday morning clinics in west Cork, which would result in increased activity, particularly in accident and emergency departments, which we would not want to see happen. We want patients to be provided with the medical cover they need in those towns. We do not want them to have to go the Cork University Hospital for it.

I raise this issue because it is of major concern to the people of west Cork. What will happen to Saturday morning medical cover across these towns is part of a major debate. Consultation has failed and there has been a complete breakdown in communication. The HSE needs to actively engage with that cohort of GPs to make sure there is a service on Saturday mornings across those west Cork towns. If not, the outcome will be disastrous. That is the dilemma we face due to a lack of communication, consultation and pre-planning for what should be a key service. Primary health care is a key service and we need to make sure it is maintained. Unfortunately, it is not being maintained at the moment.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Martin Heydon): I thank the Senator for raising this important issue and one which, I know from my discussions with him, is of major concern to him and his constituents in Cork.

Under the general medical services, GMS, contract, GPs must be available to provide services in their practice premises or by way of domiciliary visits, as appropriate, for their medical card and GP visit card patients for 40 hours each week. They must also make arrangements to enable contact to be made with them, or a locum-deputy, for urgent cases outside these hours.

While there is no obligation on GPs to participate in GP out-of-hours co-operatives as a means of meeting the contractual requirement, such services have been developed and expanded over time and are now an essential and positive part of primary care services. This helps to ensure that, to the greatest extent possible, urgent care needs are met in the primary care setting.

SouthDoc provides a Saturday morning service in most areas in the Cork-Kerry region. This service has been advanced incrementally in recent years in response to requests from various local out-of-hours cells. The majority of areas are now included in the Saturday morning service. However, there are a number of areas where the Saturday morning service is being provided by individual practices, as opposed to being operated by SouthDoc.

Following engagement with the Irish Medical Organisation, a grant-based system of funding for GP out-of-hours co-operatives has been in place since March 2020 to support out-of-hours services during the pandemic. In accordance with the agreed system, no out-of-hours or other claims for consultations during a co-operative's hours of operation are claimable by the co-operative or its members from the HSE primary care reimbursement service, PCRS. The PCRS has a legal obligation to ensure resources are used for the purpose for which they are intended and is obliged to verify the reasonableness and accuracy of all claims submitted for payment. A validation mechanism exists for claims made by co-operative members during the hours of operation of grant-aided co-operatives.

The PCRS has provided a specific email address and a contact point for GPs who may have any queries or concerns regarding the validation mechanism or their GMS remuneration. If GPs who are not co-operative members, or who do not have co-operative cover available to them, are inadvertently captured by the PCRS validation process, they should notify the PCRS straightaway. Where a GP can provide information that clarifies that any claim held under the validation mechanism is in line with the GP's contract, then the PCRS will ensure that the claim is paid.

I have been informed that Cork Kerry Community Healthcare has recently learned of the decision by the PCRS to cease payments to GPs who are running their Saturday morning service outside the SouthDoc co-operative. Cork Kerry Community Healthcare is currently determin-

ing the specifics and will be engaging with the GPs who have notified it of this issue, as well as the other stakeholders as a matter of priority. Cork Kerry Community Healthcare is working locally with all stakeholders to ensure appropriate and safe service levels are maintained. This involves a level of detail regarding contracts and State processes. As the Senator knows, with regard to the systems, the PCRS and others need to make sure that funds are dedicated to where they should go. I completely take on board the concern this issue is causing locally with health-care providers on the ground and their patients, the Senator's constituents, who are concerned about medical cover into the future. I will be working with ministerial colleagues to ensure the concerns the Senator raised are highlighted and that there is detailed ongoing negotiation and contact with all the relevant parties to make sure this issue and the potential impasse are resolved.

Senator Tim Lombard: I thank the Minister of State for his comprehensive response. The stopping of the payments for these GPs since July has left some GP practices with potential financial issues. That is unfortunate. Confidence among GPs in practices is a major issue. Engagement is needed to address this issue. I raised this issue at the health board forum last Friday. We need to make sure the HSE deals directly with those GPs to find a solution. What is happening currently cannot continue. We could have up to 5,000 or 6,000 Covid cases in a few weeks' time and it makes no sense for GPs not to be paid for their work. It makes a laugh of the suggestion that we are all in this together. The Minister of State's involvement is welcome. It is important those GPs and the HSE have meaningful engagement to sort out this major issue for those communities.

Deputy Martin Heydon: It is important to state the Government acknowledges the vital role GPs have played, particularly during the fight against the Covid-19 pandemic and, more generally, in providing essential healthcare in the community. We, as a Government, are committed to ensuring that patients across the country continue to have access to GP services, including out-of-hours services such as those the Senator has raised.

A package of measures to support general practice was introduced in March 2020 in order to take account of the impact of Covid on general practice and to ensure that GPs were in a position to provide essential Covid and non-Covid services, which they have done. In addition, in recognition of the need for the continuance of GP out-of-hours services, the HSE is providing grants to support the out-of-hours co-operatives.

The HSE's PCRS is responsible for making payments to primary care contractors, including GPs. Payments totalling in excess of €780 million were made to GPs by the PCRS in 2020. As I stated, the PCRS is responsible for verifying the reasonableness and accuracy of all claims submitted for payment.

I would encourage any GPs in the Senator's area who have concerns or issues to engage directly with the PCRS. It has provided a dedicated email address for GPs, which I will furnish to the Senator. Claims that can be validated by the primary care reimbursement service as being in line with the GP contract will be paid. In the meantime, Cork Kerry Community Healthcare has recently been made aware of the non-payment of claims to GPs who are providing a Saturday morning service outside the SouthDoc group. It is looking into this issue and will be engaging with GPs, the PCRS and other stakeholders as a matter of priority to resolve it. I will ensure engagement happens as swiftly as possible to try to get a resolution to what is a very concerning issue for the people of the Senator's area.

Senator Tim Lombard: I thank the Minister of State.

Equality Issues

Senator Sharon Keogan: I wish to take this opportunity to put before the House the significant concerns of many people regarding the proposed reforms to the equality Acts. I understand the Minister, Deputy O’Gorman, has set a deadline of 29 November for the consultation on the Acts and I wish to identify for the record a very important issue that has been identified with the proposed changes.

One of the proposals put forward by the Minister is to review the grounds covered by the Act, including the proposal that gender identity be added as a protected ground. Let me be clear that, of course, transgender people and any persons struggling with gender-related issues deserve full protection from harassment and discrimination. The issue that needs to be carefully considered in the context of any amendment to the law is that gender and sex are not the same. A lack of clarity in respect of the definition of those terms has led to a position whereby persons who obtain a gender recognition certificate to change gender, even men who have not had surgery or hormones and do not intend to have any, being able to access all female-only spaces as if they were a woman. If gender identity is included in the Act, obtaining a gender recognition certificate will no longer be necessary to access these spaces.

We have already seen the impact of conflating sex and gender in our laws following the introduction of the Gender Recognition Act 2015. We now have a situation whereby male-born prisoners who have not transitioned but who are granted a gender recognition certificate, even those who have committed serious sexual offences, are placed in prison facilities for women. If gender identity is included as a ground in the equality Act without including safeguards and legal clarity as to the distinction between gender and biological sex, we will be unable to protect single-sex spaces such as toilets and changing rooms from male incursion. This will only serve to enable the two most common sexual offences, namely, voyeurism and exhibitionism.

Let me clear that this is not an attempt to paint trans people as predators - far from it. It is simply a recognition that 98.8% of sex offenders are male and 80% of victims are female. We cannot, in a noble attempt to be inclusive, worsen the position of women and children as they use intimate spaces. It would be naive indeed if we did not recognise that predators will use the complete lack of safeguards to access their victims. If we have learned anything, we have surely learned that. When self-identification was passed into law, we did not realise it conflated sex and gender, which leads to a situation whereby any man, even a fully intact sex offender, simply has to fill out a form and he can access female-only spaces. This has serious implications for women, women’s rights and children’s safeguarding. We cannot make the same mistake of rushing through legislative changes without considering their actual impact. The Government has not undertaken an impact assessment on this very important legislative measure. Surely, given all I have outlined, the Government would not be so reckless as to go ahead without a thorough impact assessment that addresses all the outcomes of such a change in the law, including on the other protected grounds, not least that of sex.

The Countess, a new women’s and children’s rights advocacy group, has repeatedly highlighted the issue and concerns caused by the confusion between sex and gender in our laws. Its recently commissioned poll shows that Irish people are tolerant of gender expression and identity in a social setting, and that it is to be applauded. However, many people want single-

sex spaces and sports to be protected and believe people should be able to request intimate care and accommodation in healthcare settings based on biological sex, not gender. It would be a dereliction of our duty to protect all vulnerable groups in the population if we were to introduce such profound changes in legislation without full consideration of all the impacts. We must ensure that in protecting one group in clear need of such measures, we do not do so at the expense of another.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O’Gorman): I was relieved at the start of the Senator’s contribution to hear she was not in any way questioning protection for trans people in society, but I ask her in future contributions to consider her framing because to bring reference on at least two occasions to sex offenders straight into the debate and to speak about voyeurism and exhibitionism in a way that suggested these are linked to a person being trans is really problematic. There are people watching the proceedings in this Upper House of our national Parliament, such as young people or people who, as the Senator stated, may be struggling with their gender identity, and I have deep concerns with the way in which she linked some of the concepts she put together in her contribution. The rights of trans people are not up for question, as far as I am concerned. We have to put in place protections for trans people and that is what we are seeking to do in initiating this consultation on the amending of equality legislation.

It is important to state we are at the start of this process. We are undertaking a public consultation that will inform proposals that will come forward which will then go to a pre-legislative scrutiny process and then come before these Houses. I want to push back very strongly against suggestions there is some sort of jump or something is being done secretly. We have extended the consultation period on the equality legislation.

The Government is committed to building a fair and equal society where no person faces discrimination. Part of the work of creating an equal society is developing whole-of-government strategies that include actions aimed at addressing particular inequalities, such as the national strategy for women and girls and the national Traveller and Roma inclusion strategy. Another key element is putting in place legislation that prohibits discrimination and provides access to redress for those who have been discriminated against.

We have the Equal Status Acts and the Employment Equality Acts, which consider discrimination on a range of statuses, including marital status, family status, sexual orientation, gender and membership of the Traveller community. I began the review of the equality Acts to examine the scope and operation of the legislation to ensure it offers effective protections and accessible remedies to those who experience discrimination. Among the issues committed to in the programme for Government is the consideration of widening the grounds of gender and the introduction of a ground of discrimination on the basis of socioeconomic status.

The Senator will see that the national LGBTI+ inclusion strategy recognises the need to ensure adequate protection against discrimination for transgendered, non-conforming and intersex people. That is one of the issues at which we will be looking in this review. We will undertake the review. Everyone is entitled to participate in it. There will be a pre-legislative process. However, it is very important that we recognise that transpeople in our society are deeply vulnerable. The suicide rates among transpeople are much higher than those for other parts of society. It is incumbent on all of us to be very careful with the language and concepts we use and to ensure that nobody who is transgender in this country feels that his or her rights or existence in our society are in any way up for debate in this House.

Senator Lynn Ruane: Hear, hear.

Senator Sharon Keogan: I thank the Minister for his comments. I understand the difficulties that youth and transpeople have with regard to their sexuality. I have had many children in my care who may have been even thrown out of their homes because of their sexuality. I have had a number of transchildren in my care as a foster parent. Obviously, I have raised some issues this morning that have caused deep offence to the Minister and to the transcommunity, which I certainly do not wish to do. However, I look forward to receiving that report when it is due to be published.

Deputy Roderic O’Gorman: I am not offended. I am just saying that we have to be very careful with the language we use in this area. From her experience as a foster parent, the Senator acknowledges and knows better than me the sensitivities of children and the pressures they face, particularly where a child may be struggling with gender identity. That is why the language we use here is extremely important when we talk about these issues and the concerns people have. Referencing and bringing the debate straight to the worst-case scenario is problematic and not the way to go. I accept this is an issue and debate we will be looking at when the legislation is brought for pre-legislative scrutiny. It will probably go through the Committee on Children, Equality, Disability, Integration and Youth, on which the Senator is represented. We will have an opportunity then to examine these issues in detail. However, it is important to reiterate in the House that the rights and existence of transpeople in our country are not matters for debate.

Senator Sharon Keogan: My point this morning is all about the safeguarding of women and children here.

Sitting suspended at 11.23 a.m. and resumed at 11.30 a.m.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: Before I call on the Leader to outline the Order of Business, it is proper that we acknowledge the national day of one of our EU colleagues. Latvia declared independence on 18 November 1918, after centuries of a troubled history. As two small European countries that have struggled for independence in those early years of the 20th century, we always share a historical connection. The Latvian-born Charles Peterson and his nephew Conrad Peterson were active participants in the struggle for independence. The office of the first President of Ireland in 1921 was, for a time, located in the family home of Charles Peterson. His famous pipes, patented by Charles Peterson, are still manufactured in Ireland and known all over the world.

This year is a particularly special year in the relationship between Ireland and Latvia. Ireland had never recognised Soviet power in Latvia. Thirty years ago this year, on 27 August 1991, Ireland along with our fellow European Community, EC, members, recognised the restoration of independence in Latvia. On 9 October that year, the then Minister for Foreign Affairs, Gerard Collins, visited Latvia to formally establish diplomatic relationships between our two

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countries for the first time. There are 30,000 Latvians living in Ireland. The Latvian diaspora in Ireland is active and well integrated. Ireland and Latvia share a view that language is a treasure and that safeguarding language is hard and never-ending work. On 18 November, today, one of Dublin's symbols, the Samuel Beckett Bridge will be illuminated in the colours of Latvia, red, white and red, in celebration of Latvian national day. Today, we celebrate those growing links and look forward to our future together as part of the European family. To Ambassador Jnis Slis and to all Latvians, including those living in Ireland, happy Proclamation Day of the Republic of Latvia. *Saules mžu Latvijai*. I hope that was a good pronunciation.

I call on the Leader to outline the Order of Business.

Senator Regina Doherty: Bualadh bos, a Chathaoirligh.

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business today is No. 1, address by the Taoiseach, Deputy Micheál Martin, to be taken at 1.30 p.m. in accordance with the arrangement set out in the motion agreed by the House on Tuesday, 16 November 2021; and No. 2, statements on the Air Accident Investigation Unit's final report into the Rescue 116 air accident, to be taken at 3.30 p.m. and to conclude at 5 p.m. with the time allocated to the opening remarks of the Minister not to exceed 15 minutes and that to group spokespersons not to exceed ten minutes. Time can be shared and the Minister is to be given no less than five minutes to reply to the debate.

Senator Fiona O'Loughlin: I support the Order of Business as outlined.

As tomorrow is International Men's Day, I would like to express my wishes for a good day to all of my male colleagues here.

Senator Robbie Gallagher: Hear, hear.

Senator Fiona O'Loughlin: It is an important day because it celebrates the positive values that men bring to their families, to their communities, to the world and, in this case, to the Seanad and the Dáil. The day has gone from strength to strength. As we hear a lot about International Women's Day, it is important that we celebrate International Men's Day. The day is important to me because it is also my dear departed dad's birthday. It is a day that I will always remember. One of the six pillars of International Men's Day is to improve gender relations and to promote gender equality not just for men, but for women also. In that light, the theme for 2021 is better relations between men and women. I am glad to say that in the Seanad we all have an excellent relationship and work very well together. We all need to lead by example to promote respect for one another and to create a fairer and safer society.

This week is also Transgender Awareness Week. It is a week to help raise visibility about transgender people and address issues that members of the community face on an ongoing basis. As a society, we need to show compassion and understanding. We also need to address bigotry in relation to transgender issues. We need to listen to the stories of the men and the women and to understand where they are coming from. I think it was Oscar Wilde who said, "Be yourself, everyone else is already taken." We need to give people that opportunity to be themselves.

There is good news today for the people of Newbridge. I spoke before about the possibility and potential for Newbridge and Kildare County Council to acquire the Patrician monastery, which is located within the community of Newbridge. I am glad to confirm that Kildare County Council has acquired this unique and centrally located building. I hope that they will use it in full consultation with the people of Newbridge, to serve all of the community, young and old. I look forward to the possibility of a new playground, which we need there also.

The last point I like to raise tomorrow is the very first Adult Safeguarding Day. I am proud to wear the pin that we all received in the post. The day is about putting measures in place to uphold our rights and support health and well-being, particularly for those that are vulnerable.

An Cathaoirleach: I thank the Senator for mentioning International Men's Day, as well as her father, who I know was an inspiration to her in being involved in public service and public life.

Senator Seán Kyne: I wish to join Senator O'Loughlin in recognising International Men's Day. I had a Commencement matter debate on this issue yesterday. I welcome the fact that the Department of Health is renewing the men's health strategy, which has been a huge success since 2009 in improving and giving recognition to men's health issues. It is important that we continue to promote and urge all men to get regular health checkups and to visit their GPs, as well as to encourage women and men to encourage their men folks to get a checkup at regular occasions.

Yesterday's announcements by the Government obviously were difficult. They have led to much frustration about the possibility of further restrictions down the line, particularly as the Christmas period approaches. I note one of the initiatives will be working from home and encouraging people where possible to work from home, whether that is for three or four days per week. There is an obvious recognition that many people do not have that possibility, such as people who are out and about on construction sites, those who are in trades and salespeople, or whatever. They are continuously working away from home. That possibility may not be there in most cases. *Connectedhubs.ie*, which is operated by the Department and the national hub network, is a Government of Ireland initiative providing a vehicle for individual hubs to come together. It is important, and recognition once again that we will see remote working or working from home being thrust onto people, but there are huge benefits in relation to working from home. There are 164 co-working hubs across the State, identified as part of *connectedhubs.ie*, with 220 desk plans available and 214 meeting rooms, offering private rooms and meeting spaces, co-working and collaboration spaces, hot desks, virtual office facilities and enterprise and supports to help and grow businesses. This is an initiative from Our Rural Future, a programme of the Department of Rural and Community Development, and supported by the Western Development Commission. The national hub network working group, led by the Department of Rural and Community Development, has identified more than 400 remote working hubs across the country. There is still an opportunity for more of these hubs to be part of the *connectedhubs.ie* programme, which is accessible. If a person is going to Connemara or Kerry for a holiday, for example, and perhaps needs to find space to partake in a vital meeting - even though he or she should be relaxing on the holiday, this is not always possible - then the opportunity would be there and this platform identifies the hubs and is easily booked. A person could book an hour in the Portershed in Galway, or elsewhere. It is a wonderful initiative. It would be important to get an update from the Minister, Deputy Humphreys, on the progress on this and how we can get more than 400 hubs identified and onto the *connectedhubs.ie* platform.

Senator Michael McDowell: Senator Fiona O'Loughlin has reminded us of the number of days that we are dealing with and the Cathaoirleach has also done so, but today an important opinion has been mentioned in the European Court of Justice process in Luxembourg, which is the advice of the advocate general on the issues raised in the Graham Dwyer prosecution and appeal. I regard what Europe has done in this area as inexcusable. In the pursuit of privacy the EU has seriously damaged the capacity of member states to investigate serious crime.

Senator Rónán Mullen: Hear, hear.

Senator Michael McDowell: The court's suggestion that the retention of data should be reserved to national security is not practicable. We have instances of children abducted and there is an immediate requirement to find out where the abductor's phone is at any given time. That is nothing to do with national security, it has to do with plain humanity. The idea that somehow the privacy or dignity of an individual is improved by saying that the data retention period should be two years rather than six years is laughable. Prior to any of this interference with member states' rights in this matter all of us were subject to the ordinary law, which was that our phone company kept our data for six years because that was the statute of limitation if a person wanted to contest a bill and say that he or she did not owe what the company claimed it owed, or whatever. There was no difficulty as far as most people were concerned about that situation as it existed. There is problem now, however. When I was with the Department of Justice, we and the Attorney General tried to contest the two-year limit when it came through. We were unsuccessful. On totally different privacy grounds, the European Courts of Justice struck down that exact same directive. There is absolutely no reason now why, if a woman disappeared four years ago and the Garda get a tip off now, the Garda cannot go back to a reservoir of information to see if there was contact between a person now suspected of having had an involvement in that disappearance and the victim of the kidnapping or murder. The European Union had better cop itself on. In the so-called pursuit of privacy, the EU has interfered excessively in the rights of member states. It has exposed member states. If this continues, serious crimes will go undetected from now on. An article in *The Irish Times* today reports on member states joining Ireland in our positioning on this case. It is about time that those member states got together and told the European institutions that, if necessary, they will agree to a short supplementary treaty to reverse this situation and to give back to member states the rights to do what is proper for the safeguarding of their citizens. If this goes unchecked, major injustices will be done and criminals will get away with savage crimes that have nothing to do with national security.

Senator Malcolm Byrne: Hear, hear. Well said.

Senator Paul Gavan: I do not know if colleagues were able to listen to Dr. Andrew Westbrook on "Morning Ireland" today. He is the ICU consultant for St. Vincent's University Hospital. He painted a very worrying picture on the current situation in relation to ICU beds. There are currently 119 patients in ICU, which is up 31 from one week ago. Dr. Westbrook also went into some detail on what has not happened in our health service over the past decade and more. He referred to the report produced by the Prospectus Group in 2009. I took the time to have a look at that report this morning. The 2009 report told us that we have a severe deficit of ICU beds. It told us that we needed to get to 579 beds by 2020. Currently we are at 301 beds. We were at 30 beds below that, so it has gone up 30 in the past year, I imagine because of Covid. How many Ministers for health have we had since 2009? What has been the political response to a report that tells us we have not just a deficit, we have a severe deficit of ICU beds? We are at just over half of what we need. I must make the political point that we have parties in this room, Fine Gael being a prime example, that have promised tax cuts over the past decade. As

my wife always reminds me, life is about choices. Successive governments have made very poor choices over the past 12 years. The only reason that there has been an increase in ICU beds at all is in response to the Covid crisis. Frankly, how can anyone stand over the record of this Government or the last one, and the ones before that, all of which ignored the fact that we have a severe deficit in critical care beds?

Each successive Minister for Health has ignored that and carried on regardless. We are paying the price for that now. There should be no more talk of tax cuts. There should be no more talk of promising tax cuts when we have a health service that is severely underfunded. Please do not come out with the line “We are spending more than we ever did before.” There have been decades of under investment. Yesterday we spoke about University Hospital Limerick, and a claim was made that it is not a resource issue. It absolutely is a resource issue. I know that because the management told me that the hospital is 200 beds short. The promise at the minute is that they should wait another two years before another 96 beds are introduced. There is a fundamental problem here. One either believes in a national health service and proper funding for a national health service or one does not. On this side of the Chamber, my party Sinn Féin believes in a national health service. The evidence is there to show that Fianna Fáil and Fine Gael do not.

Senator Annie Hoey: The first issue I wish to raise this follows on from the abortion working group. I am aware that the group has contacted the Minister for Health, Deputy Stephen Donnelly, to express serious concerns over the confusing and somewhat contradictory messages regarding the legally mandated abortion review. I share the group’s concern. The review was announced last March and six months on there is still a lack of clarity on the timeline and scope of the review. When he was questioned on 9 November, the Taoiseach had very little knowledge of the review. I believe there are three main issues outstanding. There is a need for the Minister for Health to announce publicly the independent chair and the panel of experts, including service users, providers and reproductive rights advocates who are going to govern this process. The Minister also needs to publish on the Department of Health website the terms of reference for the review. The Minister also needs to provide a clear timeline for the review duration, including the timeline for public consultation. I ask the Leader to write to the Minister from this House seeking clarity on the review. It is just not good enough that six months on, service users and those of us involved in the campaign for improving the legislation do not have a clue as to what is happening. The second issue I wish to raise is the concern in respect of the treatment of migrant workers in the fishing industry. A recent report conducted by Maynooth University’s law department revealed details of poor or, in some cases, no wages being paid, wages being withheld, racist slurs, workers being forced to live on boats with appallingly inadequate living conditions and all sorts of terrible abuses. This report has received much coverage from around the world and there was a damning report in *The Guardian* on it.

There is also the egregious issue of the discriminatory policy denying migrant fishermen the right to long-term residency, stamp 4, which is available to other workers after five years of working on work permits. I am aware that leave has been granted by the High Court to challenge this so hopefully there will be movement on it. It is important from a workers’ and migrants’ rights perspective that we discuss this report and the broader issue of employment standards in Irish fisheries and for migrant workers. I request that the Leader write to the Minister and ask him to come to the Chamber to discuss this matter urgently.

Senator Lynn Ruane: I want to first mention Seán Binder.

Senator Paul Gavan: Well said.

Senator Michael McDowell: Hear, hear.

Senator Lynn Ruane: As many Members will have read during the week, he is on trial in Lesbos for his humanitarian work. Seán was in the same year as me in college. He is 27 years of age. We spoke in the Chamber recently on legislation concerning the need to carve out humanitarian work and have it as an exemption rather than as a defence. This is the type of case that proves this point. Seán is now in Lesbos on trial for humanitarian work but trying to take people out of crisis and away from war.

I also wish to speak briefly on access to mental health services for people in the criminal justice system and the report that came out this week. When I read it I was reminded of a piece of research that I was involved in a few years back with Dr. Fiona O'Reilly on the state of mental health of people in our homeless system. A phrase which Dr. O'Reilly used in that context rang true for me when I read this report, which is that the streets have become our asylums. We close down, or say that we close down, institutions for mental health but we just changed what those institutions were. The institutions became the streets and have ultimately become our prison walls. This week's report, Access to Mental Health Services for People in the Criminal Justice System, which was written by Dr. Susan Finnerty, reveals some very stark issues in respect of how we treat people with mental health issues and how we divert them from the prison system. Many of their crimes happen while undergoing an episode of mental health difficulty. Can we uncouple those issues when we deal with people? Crime is crime, but what about the intention of someone when the crime is being carried out? If it is due to a mental health issue, we need to find ways to help and support people adequately and in the right way.

The report states that a prisoner in Cloverhill Prison was found lying on a mattress on the floor in a cell. He was severely mentally ill, and was refusing food, drink and medication. The report refers to an area within Mountjoy Prison that was staffed by prison officers with a special interest in mentally unwell prisoners. The in-reach team provides a comprehensive mental health service in deciding who is admitted or discharged from the unit. Prisoners with mental health issues told inspectors that they prefer to be in the unit than in the general prison. The inspectors visited the women's prison when three fairly mentally ill women were there. I worked many years ago in a hostel with women who had been released from the Dóchas Centre. This hostel was only for women being released from prison. I can tell the House, obviously without presenting accurate statistics, that it felt like nine out of every ten of those women were experiencing mental health issues in some shape or form when they came to the hostel after being in prison.

On the National Forensic Mental Health Service, the report points out that there are about 4,000 people in prison in Ireland and that 10,000 people a year are passing through those 4,000 places. Obviously, there are no places for people who need extra care and have complex needs. I am beginning a new programme in the new year. I will be working with prisoners who are currently in the prison system. I hope they will come to work with me on their one-day temporary release while they get ready for reintegration. This is an area that we will be looking to reform. There are many people with undiagnosed mental health issues in the prison system who will never make it into these statistics because they are not diagnosed. I hope we may be able to feed into this. Perhaps we will have a debate in the new year when I will have these prisoners - I would prefer to call them people who are in prison - feeding into the policy so that hopefully we can create change.

Senator Robbie Gallagher: Like my colleague Senator O'Loughlin, I would like refer to Adult Safeguarding Day, which takes place tomorrow, Friday, 19 November. This is Ireland's first Adult Safeguarding Day and is an event to raise public awareness of a very sad activity. Safeguarding Ireland has come together in partnership with organisations across the sectors of health, justice and finance, as well as other sectors, to raise awareness of elder abuse, particularly in this country. Adult abuse happens when a person's rights, independence or dignity are not respected. This can be a deliberate act on the part of the abuser or it can stem from a lack of knowledge on the abuser's part. Last year, 10,000 cases of adult abuse were reported to the HSE. Other reports were made to other organisations, on which we have no data. Sadly, many cases are not reported at all. This abuse can happen at any stage but it is more likely to happen when an elderly person is living with a family due to age or physical or intellectual ability, or in situations of coercive control. It really is heartbreaking for an older person to find themselves in that situation. We can see the picture that when a person, due to health or some other frailty, is forced to live in a family situation, they feel a bit vulnerable. The message I would like to get out today is that help is out there. There are many helplines and I am sure that every older person knows someone they can trust. I encourage them to come forward and not to live through the nightmare that they may be experiencing. In order for us to do our bit in trying to create more awareness of the situation, I would welcome if the Leader could organise a debate on the issue of elder abuse at the earliest opportunity.

Senator Rónán Mullen: I support everything that my colleague, Senator McDowell, has just said. I was going to bring the matter up. In our debate on the Northern Ireland protocol yesterday, I mentioned that there had been very little public consideration of the role of the Court of Justice of the European Union, its relevance to costs and the element of delay that it brings into the consideration of legal matters affecting Irish people. This is not to deny that the Court of Justice of the European Union is necessary but we think very little about it and very few people would be able to name the Irish State's sole representative on that court. The point is that people see the European Union primarily as a guarantor of commerce, trade, markets, environmental protection, quality of medicines and things that affect us all as a community. There will be a whole new swathe of people considering the role of the European Union in our lives and considering the role of European courts if a European court makes a decision that interferes with the ability of Irish authorities to investigate and prosecute serious crime. There will be a whole new element to the debate about the European Union and its role in our lives. I hope common sense will prevail. As Senator McDowell has said, there has already been a very unhelpful overreach by the European Union in such areas. When we come to have discussions about Poland and Hungary, and they are frequently mentioned in dispatches in this House and in *The Irish Times*, we rarely get into the granular detail of the difficulties which those countries have with overreach by European Union institutions in areas which are properly left to consideration by member states. I have no doubt that there will be elements of right and wrong on both sides and that nobody will agree with each other 100%, but we need to have a more careful consideration of how the European Union impacts our lives, for good in many cases, but as we are seeing now in this particular instance, also for ill. I will leave for another day the other point I was going to make.

12 o'clock

Senator Malcolm Byrne: While the judge in the European Court of Justice may have been a former Member of this House, it is not necessarily bad that we do not know the names of judges in every instance. However, I agree with the thrust of what Senator McDowell said

concerning the advice given by the advocate general. Obviously, it will be a matter for the full court to make a decision.

I regard data privacy as hugely important and a key European value but every right must be balanced against competing rights. In this instance, where we have the importance of having safeguards in place and member states want to use particular information to detect a crime, it appears that the concept of the right to data privacy is a supreme right and there is no balancing. I agree with the purpose outlined by Senator McDowell. That was never the intention of the GDPR, which was very much designed so that data would only be used for a specific purpose. In this purpose, the Garda is not looking for Graham Dwyer's data to find out where he ordered takeaways or anything. It is seeking to establish whether he was engaged in a crime. This is a very serious issue and it is worthy of debate. Data privacy is important but we need to get the balance right.

This week, 350 scientists and healthcare professionals, including some of the best known of their number in this country, issued a public health statement calling for the generic production of Covid-19 vaccines and treatments so that they can be made available globally. We will not beat Covid solely in Ireland and other wealthy countries. Covid must be beaten on a global basis, as we have discussed previously in the House before, and the Government needs to take a strong stance in support of global vaccination.

Senator Paul Gavan: Hear, hear.

Senator Micheál Carrigy: It has come to my attention in the past week or so that a number of college students with Covid symptoms who were feeling unwell have not had a PCR test and continue to attend class despite the guidelines. Colleges need to support us in tackling Covid this time around. I have been told of instances where professors and lecturers have refused to post notes online or have made it mandatory for students to attend lectures. It is fantastic that students can attend lectures once again and experience college life, which we all enjoyed while we were there. However, colleges need to adapt and encourage students, where necessary, to stay at home and isolate. They also need to put alternative learning mechanisms in place. Colleges must accommodate students who cannot attend lectures by using technology to livestream lectures for anyone who is isolating at home.

I raise the issue of the Irish Athletic Boxing Association, IABA, which I mentioned last Tuesday. In the past 48 hours, the organisation has suspended one county board and two provincial councils. Elections will take place at the end of this month and the IABA has decided within the last 48 hours to suspend a significant number of the people who were nominated by the clubs to participate in these elections. The Minister of State, Deputy Jack Chambers, must take a hold of this matter. We live in a democracy, not a dictatorship. In all sporting and political organisations, it is the members who decide who will run the organisation. The actions of the IABA are outrageous and must be dealt with.

Senator Alice-Mary Higgins: My colleague, Senator Ruane, spoke about the case of Seán Binder, which is being heard today. These issues were debated in the past two weeks. Ireland stopped its bilateral search and rescue in the Mediterranean Sea. Then we joined Operation Sophia, which then stopped doing search and rescue. We warned that would happen because the then Minister of State at the Department of Foreign Affairs and Trade, Deputy Paul Kehoe, had told us the priority would become security rather than humanitarian purposes. Those who stepped into the breach to deliver on the human rights all of us are bound to uphold are now

facing a massive wave of criminalisation. We warned that would happen. I am concerned that even in our smuggling legislation we have shifted the balance too far. While humanitarian reasons are a defence, there is no longer a clear exemption from prosecution.

We need to be honest about how our policies and European policies on migration are damaging the human rights record of Europe. The case of Seán Binder is one example. Another is what is happening on the borders of Poland. Whatever we think of Belarus and the House passed a motion opposing Belarus's actions just a couple of weeks ago, we have a responsibility, as the EU, to make sure the human rights of all those at our borders are protected. We cannot point a finger at others without stepping up. It is not enough that we are letting people die in the Mediterranean and on the border with Poland, and that we criminalise those who take action to fulfil what we would hope for. Europe needs to decide. We compromise on human rights in the immigration control agreements we have with Turkey where Omar Souleyman has been arrested. Europe has softened its cough on human rights breaches, even when they involve such global figures as this amazing musician because we have an immigration control deal with Turkey. We gave money to the former military regime in Sudan for its border police. When it was overthrown in a peaceful revolution we did not step up and provide support. These are really important issues. Europe must decide whether it is going to be a beacon or a fortress. I ask the Leader to arrange a debate on human rights and migration. This House has a record on human rights. Let us not turn our eyes away from the fact that they are being undermined in the interest of migration control.

Senator Paul Gavan: Well said.

Senator Mary Seery Kearney: I refer to what occurred at the meeting this morning of the Joint Committee on Disability Matters. Four witnesses attended who all have distinct chronic illnesses. They talked about their experience of having to grapple with an illness for which we do not have a consultant or specialist in the State. While grappling with their illness, they are charged with the requirement to go from Billy to Jack explaining to various specialists how their illnesses affect their nervous system and various organs. I call for the creation of a specialist one-stop-shop where people with long-term disabilities can get all the necessary information in one place. At this stage, we should have a bespoke template for alleviating the burden on people who have to find out absolutely everything themselves, including how to access benefits, pensions and invalidity - that is an appalling word - and disability benefits or supports.

This matter goes to the heart of the cost of disability. I know the Leader is in the process of scheduling a debate on this issue. The cost of disability is prohibitive. Someone who is already ill and getting used to what that means for their lives, for example, having to work shorter hours or give up work, then has to organise and pay for consultations and various supports to alleviate their circumstances. They have this added burden while their income is reducing.

A person with a chronic illness must reapply every year for the medical card. A chronic illness, by definition, is not going away so why must people reapply every year? Many people are being told they are not disabled enough to receive a primary medical certificate. Seriously, telling a person who is an amputee that he or she is not disabled enough is wrong. People who cannot access places need an automatic car and specialist services. We have not added to the illness list since 1972, which is nearly 50 years ago. The list should be reappraised. All of these issues need to be addressed urgently. I thank the Cathaoirleach for his indulgence.

Senator John Cummins: I want to raise an issue regarding Rebuilding Ireland home loans.

We all know that the product offered through our local authorities is fantastic for individuals and families who cannot get mortgage approval from the pillar banks. In fact, these home loans will probably become even more important next year with the roll-out of affordable purchase units. There seems to be a black-and-white rule to the effect that where an individual is in receipt of the EWSS, the banks will not entertain a Rebuilding Ireland application.

In fairness to the pillar banks, and I have dealt with a number of cases, they accept mortgage applications from individuals in receipt of the EWSS. It is a State support. It is not the choice of the employee as to whether he or she is in receipt of EWSS. It is there to support the employer. It seems one arm of the State supports employment with the EWSS but another arm that deals with housing states that because people are in receipt of the support, it is not able to help them with their mortgages. That does not make any sense. I know of a couple trying to get a mortgage who were refused in two instances by the banks. They applied for a Rebuilding Ireland home loan. They meet all of the criteria. They satisfy the income limit requirements and they have their savings and their deposit. Because one of them is now in receipt of the EWSS, however, they are being refused when they had previously been approved. This is despite the fact he is a hotel employee who has since been promoted. He is on a higher salary and working more hours. There is more income in the family unit now than there was prior to Covid when they were going to be approved for the loan. Now, they are being refused. There needs to be a serious rethink in this respect. The Department for Housing, Local Government and Heritage is engaging with the Housing Agency on this, but it has to happen quicker.

Senator Tim Lombard: I have previously raised the decade of commemorations, particularly how we will deal with the commemorations in 2022. It is a unique period in our history and it must be dealt with sensibly and appropriately. I am from west Cork and issues regarding Michael Collins will always pop up. A major campaign is under way to have a statue of him in Dublin. I fully support this campaign. We need to have a real debate in the House about how we will deal with 2022. We need to start talking about planning for memorials and statues. Arthur Griffith, Cathal Brugha and Michael Collins all died in 1922. They were three leaders in the first Executive. Should all three be commemorated? Should all three be given a statue in order to ensure that people recognise it is 100 years since they died. The House will play a role in the decade of commemorations. There is a need for debate in the Houses. It is something that we might try to work on. The Minister of State with responsibility for the Office of Public Works, OPW, should come to the House as a matter of urgency to lay out how he believes we will deal with the commemorations. If we are to have memorials built for these patriots, we need to ensure that the OPW is on board. The latter will be a key driver to make sure it happens. Perhaps we should broaden the net. The idea of having one statue is appropriate but having three would be a more appropriate and sensible way to deal with the issue.

Senator Maria Byrne: I compliment the more than 400 salons in Limerick that have signed up to the partnership between the National Women's Council and the Hair and Beauty Industry Confederation. It is very important. European research has shown that one in four women has been abused. I compliment the salons that have voluntarily decided to get involved in the campaign. Many women confide in their hairdressers when they are having their hair done. The salons will be provided with resources and with a support pack containing recommendations. We should encourage many more beauty and hair salons to get involved.

I lend my support to Adult Safeguarding Day tomorrow. I compliment all involved in the health, social, financial and justice sectors. It is about bringing greater awareness and deeper understanding of safeguarding. It is very important. It has already been highlighted that there

is a helpline. People who have a problem can log complaints or seek advice. Tomorrow will be the first time this day will be held, and I support the campaign. I hope it goes from strength to strength.

Senator Aisling Dolan: We are making Ballinasloe shine for the cycleway. It is the newest town in Ireland and we are ready to welcome the Dublin to Galway cycleway. There has been multimillion euro investment in our town. We had an incredible paint scheme. Many businesses participated. This Sunday, our incredible Christmas lights will illuminate the town. Many will visit to admire how well our town looks. There are luxury hotels and fine restaurants to tempt those on the cycleway on weekend breaks to explore our region of unique landscapes, through the beauty of the bogland, the flowers and wildlife. They are protected by European law. We have migratory birds along the callows of the River Suck and remote Grand Canal towpaths.

Ballinasloe, which is at the crossing of a river and is a gateway to the west, has the majesty of the blueway of the River Suck, the marina linking to Shannonbridge, the ancient walkways of the Hymany way part of the Beire Breifne way and greenways. There are many activities for families. There are world-class recreational sports, swimming pools, running tracks and tennis courts. Ballinasloe has a criss-cross of networks. There are waterways, railways and motorways. There is now a cycleway. It is at the heart of the connection. The hidden heartlands is made up of towns linked by a common love of what makes us strong, which is our communities and families. We are open to showing all we have to offer in heritage and history. A decision on the cycleway is due at the start of December. The project team is going through the peer review process on route selection. There have been thousands of submissions. Hundreds have attended information webinars. There are signs all over the town supporting the cycleway by consensus with landowners. East Galway is welcoming and Ballinasloe is ready to welcome the cycleway.

Senator Eugene Murphy: I want to pay tribute to three young lads from Scoil Mhuire in Strokestown who recently won a national Garda youth award for the fundraising they did for Childhood Cancer Foundation Ireland. In 2020, Jack Beirne, Andrew Jordan and Mark Rogers did a transition year enterprise project. It is supposed to be a money-making enterprise but they decided they wanted to do something for Childhood Cancer Foundation Ireland. They decided to restore a 1956 Ferguson 20 vintage tractor. Even people who live in the middle of Dublin must admit that a 1956 vintage tractor is something special. They raised a whopping €64,000. Imagine that figure. Jack is a survivor of childhood cancer and a friend of my family. It is something spectacular and it shows the good work young people throughout the country are doing. We often hear about negative things but we do not hear enough about positive things. I want to pay tribute to them this morning.

Unfortunately, because of the new restrictions for Covid, the entertainment sector will be under pressure. Over the past two days, the Music and Entertainment Association of Ireland, which represents many of the people in the entertainment sector, has done a survey of bands and various artists. The cancellation rate for the coming months is 75%. From now until next spring, the entertainment sector will be under enormous pressure. With the agreement of the House we might write to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, urging her to put in place a package to look after this body of people because they are under enormous pressure.

Senator Regina Doherty: I thank Senator Murphy for raising the wonderful achievement

of those three young men in Strokestown. It goes to show that where there is a will, there is a way. When something is a passion for people, they put all their efforts into it. It is worthy for the Senator to commend them here, particularly given their young age and the experience that Jack has recovered from. I wish them well.

The Senator is right. The entertainment sector has probably been the most affected by the decisions made this week. Without doubt, we will need to continue the business supports both for venues but also to be very mindful of the need for continued support for artists. I use that word collectively because whether you are a rocking DJ or a fabulous singers, across the spectrum they have a craft and an art and that has to be respected and upheld. While jobs are available in certain sectors, and in recent months businesses have said that they cannot get staff, I do not think that it is acceptable for anyone to say “never mind that you are a deadly DJ, a coffee shop up the road is looking for staff. Go up there and get it”. That is not acceptable. We will write to the Minister, Deputy Catherine Martin, today to support her in her efforts to maintain the business and individual supports for our artists because we will need them. We have been saying this for about 18 months hoping that we will get to come out of the other end. That does not seem in sight now but we will need them in the future.

I wish I had Senator Dolan’s command of the English language and her joy. She stands up and speaks with such passion and pride on the part of the country that she lives in. I thank her for her contribution. It makes us all a little envious. I offer my congratulations and wish continued success for the Greenway when it does come to Ballinasloe.

Senator Maria Byrne spoke of the very worthwhile programme between the National Women’s Council of Ireland and hairdressers and beauty salons around the country. It is a slight on the country that Ireland has had a significant increase of domestic violence reports in the last 18 months. It is welcome that we can speak about it as a natural occurrence whereas before Covid I think we spoke about it in sheltered corners, that it did not really happen, and was spoken of in whispers. We all know some woman, maybe more than one woman, who has been abused, harassed, or been subjected to sexual violence or coercive control. They exist in every town and village and it is a welcome move by the Hair and Beauty Industry Confederation. The Senator is right in saying that they often provide more counselling therapy than just getting your hair done. I thank her for raising that this morning.

Senator Lombard spoke of the commemorations that will be part and parcel of our lives next year and the debate that is needed around the respectful nature of how we will look at those. I will organise a debate on that as soon as I can.

Senator Cummins brought up one of those “only in Ireland” things. I will write to the Ministers for Finance and Housing, Local Government and Heritage in case they are not aware. When they are aware, they will have to do a resolution. The Senator highlighted that many of our banks, particularly the pillar banks, had such a practice but when it was brought to their attention by the Minister for Finance it did cease. It makes no sense that the State would be doing it to something that it had previously stopped our pillar banks from doing.

Senator Seery-Kearney raised the stories that came from the Committee on Disability Matters, as she does every Thursday. She is absolutely right. We have a long-term illness scheme because there are long-term illnesses that people live with. That list has to be updated. It is not just a case of saying that we do not have money. Senator Gavan referred earlier to the choices we make. New illnesses have been discovered in the last five, 15 or 25 years that are not on that

list. It makes no sense that we still expect people to go through hoops. The cost of disability report debate is in with the Minister for Employment Affairs and Social Protection. I am waiting for her to come back to me with a date and I will come back as soon as I can.

Senator Higgins spoke of the need for a debate on human rights and migration. She is absolutely right and I will arrange on as soon as I can. I read with real dismay that Decathlon in France has stopped selling canoes because migrants are buying them to try to get themselves from the shores of France to the shores of the UK. I cannot imagine the despair that anyone would feel to put themselves and maybe their family members in a canoe to try and escape to a better life. It is a real crisis.

Senator Carrigy raised the boxing association. I sent a note to the Minister of State, Deputy Chambers, but I will write again today to tell him that the situation has escalated since the Senator raised it in the last couple of days.

I agree with him in some cases around college students. College campuses have had antigen testing for several months. That has been working very successfully. Over 20,000 tests have been taken in the various institutions. Sadly, it was possible to self-refer for a PCR test in only eight of the Republic's 26 counties because all other counties, including Dublin, are full. We need to ramp up our PCR testing capacity in line with the increasing numbers of Covid cases. As the Chief Medical Officer said yesterday, for every one person who is captured and diagnosed by the PCR testing system, six people are asymptomatic and walking around spreading Covid unknowingly. It is no wonder that the modelling released the other day projects the numbers to go nowhere except up. I will talk to the Minister for Further and Higher Education about remote learning. It would be ludicrous to force anyone to go to college in person if they do not want to, if they have concerns.

Senator Malcolm Byrne and others raised the report from the advocate general about the Graham Dwyer case. While they spoke earlier the phrase "the law is an ass" rang in my ears. We are trying to capture serious criminals whether it is espionage, murder, sexual violence, gangs or otherwise. The spectrum is so large. The person who envisaged the protection of privacy and data when we first introduced GDPR at European and then member state level never ever envisaged that it would stop criminality and security forces within member states being able to apprehend those criminals. Not everything is of national security but having the women of Ireland safe is and should be a national security issue. The European Court of Justice, to be fair, is only doing what the Supreme Court here asked it to do so I would not slag it for it. However if we cannot appeal to the sense of the court and find a resolution to it in order to apprehend serious criminals in all member states of the EU, then the law definitely will be an ass. I thank the Senator for raising that, as did Senators Mullen and McDowell.

Senator Gallagher spoke on the national safeguarding day as did Senators O'Loughlin and Maria Byrne. Tomorrow will be the first awareness day for it. The numbers are available on line for everyone to see. It is a sad reflection that there are people in this country who would take advantage financially or simply maliciously of an older person who does not have full capacity. It is really important that we all support the campaign and I thank colleagues who raised it.

Deputy Ruane spoke about Seán Binder and the human rights abuses against those who are only trying to help other human beings in cases of distress. She also spoke of the mental health of people in our prison services and the rehabilitative nature of work, and the supports that

should exist for people either detained in prison or are in prison and en route to society. I met a wonderful man during my years the Department of Social Protection named Paddy Richardson. He runs an organisation called the Irish Association for Social Inclusion Opportunities, IASIO, based in Blanchardstown. In my last budget I allocated €100,000 to IASIO which I am not sure has been received by it yet. The Senator might follow that up. That was to do specific work with prisoners leaving prison because the return rate in this country among those who leave and return within 18 months is astronomical. It is simply because we do not have the supports or the people who support those people back to what we would classify as a normal life. Because they do not have those supports and they are alienated it is much easier for them to go back into the life that they used to know. That organisation is wonderful. I will text the Senator Paddy's number because it might be worth her raising it. I thank the Senator for raising it today.

Senator Hoey spoke of the much anticipated and much needed review of legislation. I do not know what the delay is but I wish that there was not a delay. I will write to the Minister today to find out when he will appoint the independent person to carry out the review, what the parameters will be and how quickly it will be established. I will refer back to the Senator as soon as I can.

Senator Gavan spoke about Dr. Andrew Westbrook's contribution to "Morning Ireland" this morning. There is no doubt that there are crises at different levels in the health service at present. Without trying to be smart or sarcastic, and I really try not to be these days, in 2009, when the economy collapsed there was €15 billion being put into the Irish health service. Today, it is €21 billion. While I agree with the Senator that it is all about choices, the spectrum of things that need to be changed in the health service must be managed effectively, efficiently and well. There are obviously cases which we can point to and highlight over the last ten years, and probably over the last 40 years, that have not been so successful, whereas we ignore the ones that have been successful. The choice of this Government, the last Government and the Government that came into office in 2011 was to increase the health spend, but with increasing it comes the responsibility to deliver a proper health service. I doubt that any one of us could say that we are proud of every aspect of it, as there is still a great deal of work to be done. The reason I will try to be respectful is that it is a little hypocritical to critique here in a party-political way when the Senator's party has been in government in Northern Ireland for over 20 years and the waiting lists in Northern Ireland are as long as, if not longer than, those in the Republic. Let us just temper the debate. We are all on the same side here. We all want a health service that is functioning well for citizens, both North and South, and it is the responsibility of all of us to ensure that happens.

I spoke about Senator McDowell when he was not here, and I apologise. The words in my mind when he was making his contribution were, "the law is an ass", and if we do not fix this, it is our collective responsibility to make sure that it is not as it was never intended to be when the GDPR was first introduced in the European Union and in member states. I thank him for his contribution.

Senator Kyne opened Fine Gael's contributions today by talking about International Men's Day and the men's health strategy, in particular. There must be a revised men's health strategy. We frequently talk a great deal about women here because there are so many of us, but we equally need to mind our men. There are certain medical conditions, including physical conditions, that men tend to ignore for some reason. I do not know why. It usually when a man goes home to his wife and tells her something that she tells him to go to the doctor fast. We have to make these things more practised whereby if something is wrong, men will just go to get

help and get fixed. That is never more true than with regard to the mental health of men in this country. There are some wonderful organisations that look after mental health. They have massive successes, particularly among women and younger people, but we are still failing to reach young men between the ages of 20 and 41 years who are succeeding in taking their own lives because they are not successful in asking for or seeking help. The State has a real opportunity and obligation to put specific programmes together for men, farmers and prisoners where we are not reaching those people. That is a responsibility all of us must bear.

The Senator also spoke about the connected hubs. We need people to work from home and they have to be able to work from somewhere other than the kitchen table. That is a very good initiative by the Minister, Deputy Humphreys.

The Fianna Fáil leader, Senator O'Loughlin, spoke about a variety of topics for the next couple of days. This week is Transgender Awareness Week. We know it is a very small minority group of people who have huge discrimination proposed against them and they deserve our support. I loved the idea of, "Be yourself; everyone else is already taken". It is really apt for the transgender community. I am delighted Newbridge, through Kildare County Council, has taken ownership of the monastery and I wish it every success. I hope it becomes a hub in the centre of the village. Again, it is International Men's Day tomorrow, the same day as National Adult Safeguarding Day. Perhaps we all could highlight those to people on our social media outlets, in particular the numbers where men can look for help and for anybody who experiences a lack of dignity in how they are treated by their friends, neighbours or families. It is a very important campaign.

An Cathaoirleach: Is the Order of Business agreed?

Senator Michael McDowell: I hope I am not being disorderly in pointing out-----

An Cathaoirleach: No.

Senator Michael McDowell: -----because I know it is a point close to your heart, a Cathaoirligh, that if we had looked at a certain directive coming from Europe, we might not be in the current difficulty in respect of the Graham Dwyer case.

Order of Business agreed to.

Sitting suspended at 12.35 p.m. and resumed at 1.30 p.m.

Address to Seanad Éireann by An Taoiseach

An Cathaoirleach: I welcome the Taoiseach. If only he received applause like that every morning. In the course of his service as a public representative and in public life, he has, by any measure, made major changes in the posts and Ministries he has held. Of course, one of the posts he has not held is that of Senator, so we are delighted to welcome him to the Seanad, even for a few hours. Since he was elected to Cork City in 1985 Council and to Dáil Éireann in 1989, and as the first citizen and Lord Mayor of Cork from 1992 to 1993, his public service has been about change. In his first Cabinet post, as Minister for Education and Science, he championed the cause of special needs assistants. In 2004, as Minister for Health and Children, he gave Ire-

land the distinction of bringing in the first workplace ban on smoking. He was the first Minister for Foreign Affairs to visit Gaza, in 2010, bringing the eyes of the world on that humanitarian crisis, and he bypassed the blockade on the region. Time does not allow me the opportunity to outline all the changes he has implemented, but I wanted to highlight just a few of them.

I thank the Taoiseach for coming to the House. As we know, he fought for the Seanad, not as it was in the past but for what it could or should be, in that famous referendum. One of the key changes was allowing more people to vote in Seanad elections. To the best of my knowledge, the referendum on the seventh amendment to the Constitution is the only one passed by the people that has not been enacted, by successive Administrations. As we approach our 100th year, it would be timely for the Government to support legislation that would give effect to the amendment, which was passed more than 40 years ago. It would expand the right to vote to our citizens and increase the number of people entitled to vote in reformed Seanad elections from 150,000 to, potentially, millions.

With the support of all the party and group leaders and the Members of this House, we have implemented the relevant recommendations in the Seanad reform reports that were within the power of the House to action. For the first time ever, we are reviewing the recommendations of Oireachtas committee reports. Yesterday, Deputy Lawless, the chairman of the Joint Committee on Justice, appeared before us to talk about the report his committee has put together on the issue of rape and sexual violence. We examine these reports six months after they have been published in order that we can see which of the recommendations have, in fact, been actioned. The debate yesterday outlined the continued action that is required to ensure all the recommendations proposed by the committee will be put in place.

Another of the renewals relating to the increased engagement with the public and nominated bodies, such as charities, trade unions, farmers, business organisations and the cultural and educational sectors, on issues of concern to them in our new Seanad panel forums. The first of these topics related to ending the practice of non-disclosure agreements by universities, which silence victims and protect the guilty, allowing abuse to continue. The Government has now committed to introducing legislation to address this problem.

One of the constant themes relating to Seanad renewal and reform has concerned the scrutiny of European legislation. Parliamentary language is often complex and, in some ways, is used to confuse and to prevent transparency. In legislative phraseology, the European Communities Act is used by Ministers, who have total authority, to transpose EU directives by way of statutory instruments that can be annulled only by resolutions of the Oireachtas. In essence, this means Departments add to EU legislation, which is signed into Irish law by Ministers, without Deputies, Senators or parliamentary committees seeing it, bypassing democratic scrutiny. The worst example of this was the bypassing of Deputies and Senators, and even the Joint Committee on Health, on the first and, to date, the only organ-donor legislation in the history of the State. No Deputy or Senator or even the health committee had sight of that legislation before it was signed into Irish law, and Mark Murphy, the chairperson of the Irish Kidney Association, stated that it was the worst transposition of that EU directive in the European Union. With the Taoiseach's assistance and help, we hope the House will play a role in ensuring that such laws will be scrutinised by the Oireachtas.

Next year is our 100th anniversary. Established in the midst of a bitter, tragic and divisive Civil War in which many families, including my own, lost loved ones, the Seanad played a role in establishing and consolidating the democratic institutions of our State. Between November

1922 and February 1923, 37 Senators had their homes destroyed. They were intimidated and kidnapped, but none resigned.

The first Seanad was described as having the most diverse bunch of politicians in our history. It had 36 Catholics, 20 Protestants, three Quakers and one member of the Jewish faith. Its Members included, famously, W. B. Yeats, as well as Michael Duffy, a road worker from County Meath, Eileen Costello, a civil rights campaigner, Bryan Mahon, the commander-in-chief of the British forces in Ireland between 1916 and 1918, Jennie Wyse Power, president of Cumann na mBan and Thomas Henry Grattan Esmonde, the great-grandson of Henry Grattan, of Grattan's Parliament. The creators of the Seanad ensured it was diverse to give a platform for the unionist and minority communities who found themselves in the new Free State. Over time, it evolved to give different minorities and communities a forum to ensure their views, voices and calls for change, change that society was not yet too ready or willing to make, were heard. Those voices included a sole voice. Our colleague, the father of the House and the longest continuously serving Senator in the history of the State, Senator Norris, is the embodiment of the Seanad, as one of the minority voices that has led to major change. We are fortunate that Senator Eileen Flynn was appointed by you to represent the Traveller community in this Seanad. She is using that position to bring change and to have a voice for her community, a community that has suffered on the margins of our society for too long.

Finally, next year, when we mark the Seanad's 100th anniversary, we will be glancing back but also looking forward. We hope, with your and the Government's assistance, we can make the changes we seek for the next 100 years, so the minority communities can continue to make major changes in this House to benefit us all on this shared island. Thank you, Taoiseach, and we look forward to your address.

The Taoiseach: Ar dtús báire, gabhaim buíochas leis an gCathaoirleach agus leis na Seanadóirí as an gcuireadh labhairt leo tráthnóna inniu. Is mór an t-áthas orm agus an phribhléid dom a bheith sa Seanad chun labhairt leo. Ar ndóigh is ócáid thráthúil í mar go bhfuil muintir na hÉireann faoi láthair ag dul trí ré dhúshlánach chasta nach bhfacamar riamh i saol an lae inniu. Is ar an ábhar sin ba mhaith liom labhairt faoi ghnéithe éagsúla dár bpríomh pholasaíth atá lárnach d'Éirinn anois agus san am atá amach romhainn.

I am delighted to have the opportunity to address the Seanad for the first time as Taoiseach. The Seanad plays a critical role in our nation's politics, scrutinising legislation and enhancing debate on the issues we face. I was proud to argue for the retention and reform of this House in 2013, and was very pleased that the Irish people shared our view of the importance of a second Chamber in our democracy. I am, above all else, a passionate believer in parliamentary democracy and the rich heritage we have inherited down through the decades and centuries in terms of the concept of parliamentary democracy. Indeed, as a Minister in previous Governments, I always found the non-adversarial tone and tenor of this House more conducive to the acceptance of amendments and ideas in respect of legislation and often allowed for a better type of debate than is held in the Lower House, which tends to be more partisan in the exchanges, for obvious reasons to some extent. There was a different atmosphere in this House, which facilitated reflection on legislation and the taking on of ideas. That has been my experience and it is one of the reasons I supported the retention of the House.

The other was, as the Cathaoirleach outlined, the rich heritage of this House, in particular as a forum for independent opinion and voices to come to the fore in the national debate. That has been the case since the inception of the House. It is an aspect of the Seanad that we must

cultivate and nurture into the future. I do not have too much difficulty these days in the ranks of my party in terms of independent thought and so forth, as it comes forward fairly readily. Then again, I bring it on. It is very important in the context of our national debate to get different perspectives.

The importance of Seanad reform was a key part of the message in that campaign. Senator McDowell, in particular, was a leading advocate for that reforming agenda after the referendum. I know and welcome the detailed work the Seanad has put into an active role in the examination of European legislation. We met this morning. As a country, we are required under the treaties to examine EU legislation and directives. We have received the Seanad's proposals and we have engaged with the Attorney General, the team and with the Department of Foreign Affairs. I will give this my personal oversight, give the proposals serious detailed consideration and refer back to the House with regard to how we can bring forward that idea of scrutiny of EU legislation and do it more effectively. On the seventh amendment of the Constitution and its implementation, I realise that Senator Malcolm Byrne and other Members have brought forward proposals in that regard. Again, I am anxious to work with Senators to see if we can bring that forward because it has been there for a long time without resolution. It is about expanding the electorate and there are many obvious anomalies in that regard.

Today's exchange is timely, living as we are through an era of unprecedented challenge, complexity and uncertainty. Two years ago, nobody could have foreseen the immense global disruption and huge loss of life caused by the coronavirus. Many difficult decisions have been made over the last 20 months, with unprecedented restrictions introduced to our daily lives and unprecedented financial intervention by the Government in the economy. However, a great national effort and the roll-out of a world leading vaccination programme have brought us to the point where virtually all our society and economy have reopened. Nevertheless, the current incidence rate of Covid-19 in Ireland and across Europe is very high. The Government has moved quickly to try to stabilise the situation, with the requirement to work from home if one is able to, the extension of the Covid passport requirement, a new closing time for the on-licence trade and greater use of antigen testing.

Of course, the vaccination and booster programmes remain at the core of our response to the disease. Building on the success of the national vaccination programme, we are now driving forward our booster programme. Booster shots are currently being administered to those aged over 60 years in the community, residents in long-term care facilities, the immunocompromised and healthcare workers. On the advice of the national immunisation advisory committee, NIAC, we are now making arrangements for the booster's roll-out to everyone in the country with an underlying condition and to everyone else over the age of 50 years. However, even as we roll out boosters, it is clear that vaccination alone will not prevent transmission. As Members will have heard me say on Tuesday evening, everyone must get vaccinated. I make that appeal again - everybody should and must get vaccinated, and then take the booster when it is offered. The timely take-up of the booster is very important. It restores immunity and enhances it over and above the first two doses. Everyone who can work from home must do so and we all need to wear our masks, keep our distance and be aware of our environment. If we all contribute to this collective effort, we will keep our society and economy open, we will sustain and maintain our progress and we will keep healthy and safe.

The coming winter is anticipated to be particularly challenging for our emergency departments due to the growing prevalence of Covid and the expected return of flu, respiratory syncytial virus, RSV, and other transmissible diseases which were not an issue last winter. The

need for a robust winter plan and action to limit virus spread is clear. Implementation of the winter plan has already commenced and the system is availing of hospital avoidance measures, increased diagnostic capacity and increased use of private hospital beds. We allocated an additional €1.2 billion, including winter funding, to support health services in the acute, community care and primary care sectors in 2021, and this is being maintained in 2022. It is going to be a challenging period, but every resource available is being deployed to meet the challenge.

The economic recovery plan was published in June. Through labour market activation, investment in education and skills and enterprise supports, it is helping to drive a jobs-rich recovery and to support our transition to a decarbonised and digital economy. The overarching strategy is ambitious, but achievable. We aim to have 2.5 million people in work by 2024. Key progress since June includes the publication of the Government's Pathways to Work, the overall framework for activation and employment support policy; the revised national development plan, a vital enabling mechanism for social and economic progress, and for housing and broader infrastructure ambitions; our Housing for All strategy; and the 2021 climate action plan, with rigorous implementation structures within each one of them. We have published a new well-being framework for Ireland and work is also progressing at pace on a new national strategy for research and innovation and a new national digital strategy.

Passion for education has been a constant throughout my political life. I believe it is the great enabler in life and is unquestionably the foundation stone for all the major progress we have made as a nation. Nothing about our national progress or our continued success was, or is, inevitable. We are the European home of many of the world's great corporations. Some of the most cutting-edge technological processes and research anywhere is taking place today in our country. We got to this point because we were innovative as a country and because, as a people, we placed a very high premium on the importance of education. The substantial investment that we are making in education, the massive increase in the number of apprenticeship places and the establishment of the new Department of Further and Higher Education, Research, Innovation and Science, which is a key element of our programme for Government, are all about making sure that this commitment and the primacy of learning continues into the future. It is about making sure that just as we were ready and seized the potential of life sciences, IT and social media, we are ready and have the skills to seize the potential of all the new technological developments that are coming.

Right now, there is no more urgent or higher social priority than the housing crisis. In response to that crisis, we have published and provided huge resources to deliver the Housing for All strategy. It is an ambitious and far-reaching plan, opening up access to affordable, high-standard housing to purchase or rent. The State's investment represents the largest multi-annual funding programme in the history of Irish housing, with in excess of €20 billion being made available through to 2026. A large-scale approach, bringing many strands of Government together to tackle issues across multiple areas, including homelessness, affordability, rent reform, planning, financing and the legal system is under way. Progress has already been made on a number of actions in the plan, including the progression of necessary legislation and I thank Senators for their role in that progress. In the spirit of what gets measured gets done, a focus on delivery and accountability across Government is stitched into every part of the plan. Increasing overall supply is central to addressing the housing crisis and while the pandemic had an obvious and unavoidable impact on construction over the past year and half, I am very encouraged by recent reports that point to a robust rebound in the volume of housing currently under construction.

Over the past 20 months, the Covid-19 pandemic has confronted the EU's institutions with a crisis and challenge of immense scale. The EU, however, has played a pivotal role in our collective response to the pandemic, not least in vaccine development and procurement. It is a remarkable achievement that is perhaps too easily overlooked. The historic €2 trillion EU budgetary package agreed by the European Council last July also represents a new and important milestone in EU solidarity. Importantly, the recovery package sent a message that in the most telling of times, even when there are differing views as to the right approach and the best way forward, EU leaders can work together and find a compromise that delivers for our citizens.

As we look ahead, the Conference on the Future of Europe is enabling people from every corner of the Continent to share their ideas on shaping Europe's future. I welcome the conference as a practical way of boosting citizen engagement with the European Union and look forward to continued constructive and considered engagement by the Oireachtas with this important initiative.

In the meantime, since assuming our seat on 1 January, Ireland has also played an active role on the United Nations Security Council. During our presidency of the Security Council, I chaired an open debate on climate and security, calling for the effects of climate change to be taken into account in the Security Council's analysis and response to situations of conflict and peace building. In September, I delivered Ireland's national statement to the General Assembly urging it to heed the alarms sounding for conflict, Covid and climate. I called for commitments to immediate action and I confirmed Ireland's contribution to global vaccine sharing. It is my clear conviction that engaging robustly and constructively with international multilateral organisations gives us the best chance to meet the big challenges of this age.

Closer to home, through the shared island initiative, the Government is working for the future of the entire island in a positive, practical and ambitious way, engaging with all communities and traditions. Through the shared island fund, we are bringing fresh impetus to all-island investment projects. With this resourcing, we are now finally moving ahead with the Ulster Canal and Narrow Water bridge projects, with sustainable tourism and active travel benefits for the central and east Border regions. We have commenced a major new North-South research programme, bringing institutions and researchers together across the island to conduct world-leading research. In October, as part of the revised national development plan, the Government committed to extending the shared island fund out to 2030, doubling the resource commitment to at least €1 billion. In total, there is now cross-Border funding for the decade ahead of more than €3.5 billion.

Through the revised national development plan, the Government set out new all-island investment priorities across virtually all sectors. We will work through all-island partnerships to create a more connected, sustainable and prosperous island for all. To support our agenda for deeper co-operation and connection on the island of Ireland, the shared island unit in my Department has commissioned a comprehensive programme of research. The Government has undertaken the shared island dialogue series this year, engaging with more than 1,000 groups and individuals from civil society, across all regions, communities and sectors to hear their views on how we can all do better on working for a shared future on the island. We will continue and develop our approach to all-island civic engagement, as part of the shared island initiative next year. This Government is ambitious, committed and working today with all communities and traditions on the island for a shared, reconciled future for all, underpinned by the Good Friday Agreement.

We recognise the genuine concerns of some in Northern Ireland on the operation of aspects of the Northern Ireland protocol. Our consistent position has been to get the protocol working as smoothly as possible for people and businesses on the ground in Northern Ireland. It is also important to recognise the significant trade, business and employment opportunities the protocol offers for Northern Ireland, with access to the EU's Single Market.

The ongoing talks between the EU and UK should be given every chance to succeed. The Commission has engaged deeply with the issues affecting people and businesses in Northern Ireland. The Commission package reflects that engagement and is a serious response to the challenges and concerns that have arisen. Progressing this work in a spirit of partnership and working at EU-UK level for agreed solutions is the optimal way forward. Any potential triggering of Article 16 is a matter of deep concern and the Government has conveyed this clearly to the British Government, given the risks this poses for political stability and prosperity in Northern Ireland.

Climate change is a threat to all of us and our way of life. Having recently attended COP26 in Glasgow, it is clear to me that the need to urgently take action is recognised around the world. Climate change requires a fundamental examination of how we live and work to reverse the environmental damage that has been done, restore biodiversity and reduce greenhouse gas emissions. Climate action is a central tenet of the programme for Government which commits to reducing our greenhouse gas emissions by 51% by 2030 and our new national climate objective requires the State to pursue and achieve, by no later than the end of 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

These commitments have now been enshrined in law by the Climate Action and Low Carbon Development (Amendment) Act 2021. The Government recently published the new climate action plan 2021, which is the latest in a suite of measures introduced to fundamentally alter Ireland's approach to climate change. Our new climate legislation, carbon budget and annual climate action plans provide for clear targets, actions and accountability. The plan sets out indicative ranges of emissions reductions for all sectors of the economy by 2030 and the actions needed to deliver on our climate targets. We are determined to deliver the change that is needed and to ensure that we not only produce plans but deliver and implement them.

We have an ambitious and profoundly important programme of work ahead as a country, and the constructive support of this House will be welcome and essential in making the changes that need to be made. Senators have shown that constructive support throughout the challenging circumstances of the pandemic, and I look forward to continuing to work together in that spirit as we get to grips with making our country a safer, healthier, more sustainable home for all our citizens.

2 o'clock

Senators have shown that constructive support throughout the challenging circumstances of the pandemic, and I look forward to continuing to work together in that spirit as we get to grips with making our country a safer, healthier and more sustainable home for all of our citizens. Go raibh míle maith agaibh go léir as an deis labhairt libh tráthnóna.

An Cathaoirleach: I thank the Taoiseach for his address. I ask Senators to bear in mind that the timing is strict enough so that I can give everyone who has indicated that they will be speaking at an opportunity to do so.

Senator Regina Doherty: I will be fast. The Taoiseach is incredibly welcome to the Seanad. As the Cathaoirleach pointed out, he has held a number of offices in what can only be described as a very long and distinguished public record, starting off in Cork and rising all of the way through the ranks to Taoiseach. I am very pleased that he is my Taoiseach. It is an honour for me to be his representative in this House, and I thank him for giving me that honour.

As the Taoiseach alluded to, politics can be very adversarial, in particular when people are on different sides of the House. We suddenly become friends when we are on the same side of House. I can genuinely say that I have admired the Taoiseach for many years, not least because of his stance on certain issues. For me, the measure of a man or woman is how he or she treats somebody in private. He well knows how much I respect him for the way he treated Máiría Cahill when she was the subject of major trauma and was reliving that trauma because of the actions of other parties. I want to put on the record that I am very grateful for how the Taoiseach treats people in private as well as his public persona, and thank him for that.

I would also like to thank him for the particular attention he pays to men's mental and good health. He is aware from recent statistics of the major problem we have in this country. We have some wonderful organisations in the State which respond to people who are having mental health difficulties or are going through bad periods of their lives. Young men from the ages of 20 to 41 are not in the catchment group that we are helping because they are not coming forward for help. Unfortunately, when we look at the statistics on suicide they are the people who are being successful. Our success should be measured in our direct approach to young men in campaigns and reaching out. I ask the Taoiseach to sincerely engage with the Minister of State, Deputy Mary Butler, who is doing a wonderful job in running specific campaigns for our farming community, men and women who are incarcerated in our prisons around the country and, in particular, young men between the ages of 20 to 40. We need to find ways to reach them in ways that we are not currently doing.

I want to commend the Taoiseach on his shared island approach. I know for how long he has felt that we needed to change our approach to how we interact with our citizens on all parts of this island. It is a welcome and novel approach and the most important thing he has done is to listen. It is sometimes a mistake for politicians to think that we need to be heard, when a lot of the time we have two ears and one mouth and do not use them accordingly. The Taoiseach has shown leadership by listening to and engaging with people in the North of Ireland, and I want to acknowledge and commend him for that.

I want to welcome the fact that, as part of the programme for Government, the Taoiseach has brought forward a Minister for Further and Higher Education, Research, Innovation and Science. Education is the ground-breaking equaliser. That can be said to be true of some the difficulties we have had in Northern Ireland. Having had the privilege of being Minister for Social Protection for a number of years, I know the equaliser that is missing in areas of deprivation is access to opportunities in education. I want to commend the Taoiseach for ensuring that everybody will have equality of opportunity. However, I want to ask him to specifically examine lifelong learning, in particular for women who have left the workforce. We need women to be mothers, parents, rear their children and have special relationships, but when those women want to come back to work and suffer a crisis of confidence we need to be there for them. It is something we started a number of years ago, but because of Covid that has probably been interrupted. We need to consider returnships and confidence rebuilding. A major way to do that for women is through education. I ask the Taoiseach to examine the objectives of the EPSCO Council with regard to lifelong learning and, if he could, to put some money behind that into

third level institutions.

I would probably do myself a disservice if I did not talk about antigen testing and Covid today. I am not trying to be disrespectful to anybody and I do not envy the men and women who are making the decisions in our best interests, and have done so for the past 20 months. However, antigen screening has a place in society. The paternalistic language being used by some of our advisers is not going down well. Antigen testing certainly has a place for those who are walking around while asymptomatic. There are six of them for every one Covid positive person who has been caught by our public health response. We need to change our attitude. I ask the Taoiseach to reconsider this and make a political decision to roll out antigen tests so that all asymptomatic people can curb their behaviour when they find they are positive. Right now, with a lack of testing we have asymptomatic people going around the country not knowing that they have Covid.

I ask the Taoiseach to consider medical exemptions for those whom we acknowledge cannot take a vaccine. I have a pal who is 12 years old and has Down's syndrome. He is petrified. His mammy cannot make him take the vaccine, but he is being excluded from activities in school and the Special Olympics, and has now been told that he will be excluded from his Christmas pantomime. It is just not fair. I know we are trying to encourage people who have other fears to take the vaccine. This is a little man, and there are plenty of people with medical exemptions who are owed a service to make sure that they are fully included in society.

Senator Fiona O'Loughlin: I have no doubt that the Taoiseach has been in this Chamber many times as a Minister, but this is the first time he has been here as Taoiseach. We are deeply honoured to have him here and this side of the House is incredibly proud to have him as Taoiseach. Tomorrow is International Men's Day, which I spoke about earlier today on the Order of Business. The theme this year is true equality between men and women. I want to wish the Taoiseach a happy International Men's Day. He is a champion in terms of gender equality and supporting equality and equity between men and women.

There was a very interesting article in *The Irish Times* on Saturday about Ireland being involved for the first time in an Ipsos survey. Some 25 countries were surveyed about their sense of values, beliefs and insight in terms of their position in the world. The findings were interesting. It is important to note that Ireland came first out of the 25 countries surveyed in terms of equality and aspiring to everybody having equality. We have become a more open country and are moving away from the prejudice of the past. That is important to note. We are looking to the future.

That brings me onto the next point I want to make, that is, our sense of identity. In the debate about mother and baby homes, I am pleased to see the progression of the legislation, which is at pre-legislative scrutiny stage, regarding adoption, tracing and the right of identity and to knowledge. It is important that is progressed as soon as possible.

The Taoiseach quite rightly referred to housing as our biggest issue. We also need to build sustainable communities. There is a major issue in terms of providing enough schools in areas where a lot of building is happening, something that affects my area.

I am glad to hear the Taoiseach focus on education. Ensuring our young people have the potential to be forward thinking, be critical thinkers and have transferable skills at all stages of their lives is important.

There are many challenges facing us on the island of Ireland, but I have no doubt that the Taoiseach's courage, conviction and commitment will bring us a long way forward. I wish him well.

Senator Malcolm Byrne: I welcome the Taoiseach's commitment to Seanad reform. He has always been a dedicated parliamentarian. I note he mentioned my Bill and the implementation of the seventh amendment. There are broader questions around Seanad reform, but I would like us to finally address this issue during the Taoiseach time in office and enact the Bill.

Coming out of the pandemic, I would like to mention two sectors. The first is the arts and creative sector in Ireland. It is a sector that has helped us through this pandemic, but it is also one of the sectors that has been most badly affected and impacted. The Government has significantly increased funding through the Arts Council. We are introducing a universal basic income pilot scheme for artists next year. We have to ensure that we provide support for the arts, the arts communities and so on, not just because they will be economic drivers in future, but also because of their crucial role in bringing communities together.

The other group I wish to mention is young people. They have been affected enormously as a result of the pandemic. They have shown incredible resilience, but certainly in the context of education, mental health and other areas, they have been affected. The Taoiseach is right to argue, as did the Leader, that education provides a great opportunity. We have to ensure that no young person falls between the cracks. We have to make this the best country in the world for a young person to live in, on a sustainable planet and in a Europe that shows solidarity and in which young people are given the opportunity to participate as fully as possible. As we rebuild society, I ask the Taoiseach to ensure that young people are at the heart of that.

Senator Michael McDowell: I warmly welcome the Taoiseach and thank him for coming to the House. I welcome the remarks he made about Seanad reform, starting with a potential role in the scrutiny of European directives. This morning, we had a very clear indication from a court in Brussels, in the context of the opinion of the judge advocate on the Graham Dwyer case, of the implications European directives can have for Ireland. I would dare to suggest that if that directive had been carefully examined in a House of the Oireachtas, the suggestion that the present form of the directive should prevent Ireland from taking reasonable steps to protect people who have been the victims of crime and to investigate crime would not have been made.

In 2013, there was a referendum on the abolishment of this House. The Taoiseach, for the reasons he mentioned, played a leading role in the fight to prevent that from happening. The late former Senator Feargal Quinn and a small group of others joined him in a coalition to save this House. I wish to make a point that everybody in this House should take on board. If the Taoiseach had not been in a position to state in the course of a debate broadcast by TV3, in which I joined him against Deputies McDonald and Bruton, that he stood for reform of this House, the House would not have survived. The time has come to pay up on that guarantee of reform. I do not wish to be adversarial but when the Taoiseach was leader of the Opposition in 2019, he called on the current Tánaiste to be honest as to whether he really did believe in reform and asked him on the floor of the Dáil whether it was the case that he did not believe in reform at all.

Reform will happen if the Members of Dáil Éireann put their shoulders to the wheel. I do not think it is reasonable to expect people elected to this House under a system that needs reform to be the most advocate or courageous representatives of the reform movement. I know

the Bill that is before the House, the Second Reading of which was put back until 31 December of this year, probably enjoys more support in Dáil Éireann than in this House, for obvious reasons. I am a realist. When the Minister of State at the Department of Housing, Local Government and Heritage, Deputy Noonan, came to the House in November 2020, he stated that the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, would confer with all the Members of this House and the wider Oireachtas and bring forward proposals for the reform of the Seanad by May 2021. That has not happened yet. He strongly denied that there was any question of kicking the can down the road. On that occasion, I accepted his good faith and I accept that the Department of the Minister, Deputy Darragh O'Brien, is dealing with a crisis in housing, but now is the time to begin to deliver.

As regards the Bill put forward by Senator Byrne, I refer to the decision of the High Court yesterday in the Heneghan case. If Senator Byrne's Bill alone is passed, up to 1.2 million third level graduates of all the various universities and technological universities and perhaps some other institutions would have a say in the election of the Seanad, but 3 million other people would not. A total of 1.2 million people would elect six Senators, while 1,200 people would either appoint or elect 54 Senators. That is not fair. The people of Ireland were promised change and they should get change.

Senator Seán Kyne: The Taoiseach is welcome to the Chamber. I have always admired him as a politician, particularly for his courageous stance on bringing in the smoking ban, which involved taking on a powerful lobby group. It was a significant success and has been emulated across Europe.

I acknowledge the difficult decisions the Government continues to face in respect of Covid, particularly coming up to this special time of the year, which is very much celebrated in Ireland with returning loved ones over the Christmas period. Of course, travel is easier this year. We know the impact of the meaningful Christmas last year, albeit with an unvaccinated population, with high numbers of cases and deaths in January and February. The Government has not been found wanting in providing supports to the sectors of society that have needed it in the past 18 months or more. Of course, the success of the vaccination roll-out and the booster programme will continue to provide hope that we can get through this pandemic.

I will be very parochial. As the Taoiseach is aware, the Galway city ring road has been with An Bord Pleanála for some time and a decision is due tomorrow. The decision has been postponed on numerous occasions and it is to be hoped that it will not be postponed again. I often hear it said that Galway has fallen behind places such as Limerick and Cork, with the Jack Lynch tunnel and the new tunnel in Limerick. Galway has not seen a similar level of investment because it has been stymied in planning for decades. I hope the Government will not be found wanting in terms of providing commitment to that very important project. It is supported by the county and city councils in their transport strategies and it is an integral part of transport links identified by the councils to free up space for improved and necessary public transport within the city.

The planning process for all projects is slow and tedious. The right to object or make a submission is an important right, but it seems to me that objecting is now a business, and a lucrative one. The losers are the State and communities. I welcome the decision by the Government to look at the planning process in its totality and to update and streamline it. That is urgent business that needs to be pursued and I welcome the decision of the Government to do so.

In December 2015, the Taoiseach quite rightly asked the then Taoiseach, Enda Kenny, about the emergency department of Galway University Hospital on a visit. The then Taoiseach responded that the emergency department was not fit for purpose. It was not for purpose then and it still not fit for purpose now. Despite commitments in the national development plan, a planning application has still not been lodged for the emergency department by the Saolta University Health Care Group. The project spec has changed and it now includes maternity and paediatric floors, but the planning application has not been lodged. The hospital group has proceeded with a temporary emergency department and decanting but no application has been lodged despite promising the then Minister for Health, Deputy Harris, more than three years ago that it would be lodged before Christmas 2018.

The local property tax is a very important source of funding for local authorities. I am sure the Taoiseach has heard from his colleagues, and I wish to put it on the record on behalf of my colleagues in Galway, that Galway County Council is in dire straits at the moment in the context of funding and that there needs to be direct intervention by the Government. I am sure there are other local authorities experiencing funding issues, but it has been acknowledged in respect of Galway, including by officials of the Department of Housing, Local Government and Heritage, that the funding model is broken. They cannot explain the funding model because it is so old, but it is evident that there have been decades of underfunding in Galway County Council. I ask for direct intervention to ensure funding is provided. All municipal districts this year have rejected their budgets. Although they do not have a statutory role, that is indicative of the concerns among all councillors in the region.

Senator Pauline O'Reilly: I am sharing time with Senator Garvey.

An Cathaoirleach: Is that agreed? Agreed.

Senator Pauline O'Reilly: I thank the Taoiseach for coming to the Seanad. It continues to be an honour to be in a Government party under his leadership. Coalition governments can be seen to be full of compromise, and they are, but in some ways parties can lift each other up and call on us to raise our ambition as we each bring new ideas and policies. I do not want to glorify what we have achieved together as a three-party Government because it has been set against a backdrop of trauma and tragedy for our people.

Healthcare continues to be an issue of significant concern as the pandemic ousts people from their place on surgery lists. The State of a healthcare system that has been creaking at the seams for decades is exposed now more than ever. Due to overcrowding, maternity settings have been one of the worst hit, with reports of women labouring in cars so they have the support of their partners for as long as possible. I also believe huge strides have been made in this short time. Funding for an additional 24 lactation consultants, specialist menopause clinics, phased free contraception and the drafting of safe access zones legislation are all now happening.

In education, apprenticeships are available through the CAO system for the first time. There has been investment in hundreds of extra teaching and SNA posts. We now also need reform of the leaving certificate.

In housing, cost rental and affordable housing schemes are now mainstream and have been given statutory footing. A housing first policy for homelessness and a caravan loan scheme have been brought into Government policy for the first time. The proof of the pudding will be in the eating.

Under the Taoiseach's watch, the environment has taken centre stage. I am a proud member of the Oireachtas Joint Committee on Climate Action. We have leaped ahead of other countries in producing hugely ambitious plans. All of this is backed by funding. We have record funding for cycling, walking, outdoor public realm spaces, working hubs and the most ambitious rural transport scheme in our history. This is what will really help to connect Ireland and make us healthier and climate resilient. I hope we can continue to make sometimes small and sometimes large leaps as a country. The decisions we make to keep our people healthy, protect nature and house our people are the most challenging and most important.

Senator Róisín Garvey: Fearaim fáilte roimh an Taoiseach isteach sa Teach. Is onóir mhór dom an deis seo a bheith agam labhairt leis, fiú amháin más dhá nóiméad atá agam chuige sin. Ar an gcéad dul síos, tá dúshlán mór romhainn inniu leis an Covid-19 seo mar ní muidne faoi deara é. Sometimes it seems we are blamed for Covid. None of us invented or created it. From the very get go we have been trying to figure out how the hell we deal with it. What I see is sad. We have a great nation and a great people and throughout the pandemic we have seen how people have rallied together. Perhaps it is thanks to social media, and we can blame other people also, but I also see huge polarisation happening in Irish society. It makes me very sad because we have seen what it has done in the United States and other countries. It does not serve anybody. Perhaps it serves some people with their own agenda but it does not serve the people of this country. We need to pull together as a nation, whether in Opposition parties, the media or social media. We need to cop on and take things seriously.

We have a climate emergency now that we also have to deal with and a biodiversity emergency that is affecting people on a very local level. Huge amounts of land will be lost by farmers because of flooding because we are not dealing with it properly. Engineering solutions are the one fix we have for all. They are part of the solution. They cost an arm and a leg but they are not solving the problems on their own. We have to have catchment-based solutions.

We also have to look at the fact that local authorities are brilliant but have an important part to play. There are inconsistencies in local authorities. There is a great designer in Dún Laoghaire, a good road safety officer in Dublin, a great climate officer in Mayo and a brilliant heritage officer in Clare. We do not have targets for our local authorities. They are at the grass-roots of it also. We need to have standards and targets for every local authority. They are the beginning and end of us dealing with everything at the coalface when it comes to Covid and climate. I thank the Taoiseach for listening and I wish him the best of luck. He does not have an easy job. He did not come into office at an easy time agus go n-éirí go geal leis an Taoiseach.

Senator Niall Ó Donnghaile: Tá fáilte roimh an Taoiseach. Tá a lán le rá agam agus níl mórán ama agam mar sin beidh mé ag léamh go gasta ach ní léiriú dímheasa é sin; gabh mo leithscéal. Last week, FW de Klerk died. He was the last white President of an apartheid South Africa. His actions helped to end one of the most cruel and obscene regimes in the modern history of the world. His actions in releasing Nelson Mandela from prison and helping to end apartheid liberated the people and were instrumental in helping to build a new South Africa. De Klerk's farewell apology a few days before he died was in keeping with his political conversion that apartheid was immoral, inhuman and indefensible. The former President was a consummate politician who for decades held many posts in the apartheid Government. I imagine he did not join or lead the white-only National Party with a plan to end apartheid. It was his experience mixed with the changing circumstances in South Africa that convinced him it was time to end apartheid and play his part in building a new multiracial nation. The whites wanted the apartheid system to last forever.

Here at home, partition continues to scar Ireland. There are parties in this State and in the North that want partition in some form to last forever also. Just like South Africa, this will not happen. De Klerk found a partner in Nelson Mandela. Our experience here tells us we all have to find and act on our de Klerk moments. This applies to the parties and people in the Chamber. It applies to the Irish Government. It applies to the Taoiseach and to me. We need to ask ourselves in this, the centenary of partition, whether we are doing enough to end its malign influence in the politics and attitude of the State.

Much progress has been made, and peace and the Good Friday Agreement are evidence of this. They are the harbingers of a new Ireland. The agreement did not settle the constitutional question, it asks us the constitutional question. Our experience and the experience in South Africa show that change happens by people seeking it. Our experience also tells us that once change begins it has an inner and unstoppable momentum. This momentum properly managed and directed can help bring about a new just and equal Ireland. The big issues are well known. These are the need for engagement with the broad unionist and Protestant community. There are many in this community keen to play their part in a debate about the country's future. Therefore, it is regrettable, and I know many found it deeply disappointing, that the Taoiseach failed to appoint someone from the unionist committee to the Twenty-sixth Seanad. There is a need for a referendum North and South, the need for a date to be agreed between the Irish and British Governments for a referendum on constitutional change and a need for a national citizens' assembly. We see evidence of this momentum all around us in the constitutional debate under way involving all parties in the Oireachtas and organisations such as Ireland's Future. Thousands of Gaels have written to the Taoiseach supporting the establishment of a citizens' assembly. The Taoiseach might take the opportunity today to respond to them.

There are numerous academic projects looking at the constitutional and economic implications of a united Ireland. The SDLP, who I do not need to tell the Taoiseach is in formal partnership with his party, has set up a new Ireland forum. Sinn Féin is planning to hold a series of people's assemblies throughout the country from the start of the new year. The Irish Government's role in this momentum of change is crucial, especially regarding the setting up of a citizens' assembly. I know there is a view that such an assembly will be a gathering of nationalists only speaking to ourselves but this is a mistaken view. I know from the contact Sinn Féin and others have with unionists and Protestants that many will attend any such assembly. In fact, they want to. A citizens' assembly would provide the opportunity for the Government to present its vision for the nation's future in terms of the unionist and Protestant people, cultural identity and symbols, the governance structures, the Constitution, human rights, the economy, the health and education systems and much more.

A welcome initiative by the Department in setting up the shared island unit, which Sinn Féin supports, demonstrates the Government is fully aware of the need for all-Ireland engagement in many sectors. As the unit's work develops, I ask the Taoiseach to consider a broader, deeper and more meaningful public engagement with all communities North and South. The dialogue and popular engagement under way across the nation about our constitutional future needs a home. It needs a citizens' assembly to give it focus, direction and the energy that is clearly being invested in a planned outcome. Together we can do this. Ní neart go cur le chéile.

Senator Marie Sherlock: Gabhaim buíochas leis an gCathaoirleach. Ar son Pháirtí an Lucht Oibre sa Seanad ba mhaith linn fáilte a chur roimhe inniu. As a proud Cork woman, who has been based in Dublin for 20 years, I have to admit to a certain pride in having a Cork Taoiseach although I should not probably admit to it. I thank the Taoiseach for taking the time

to come to the House. We are all extremely conscious of the huge remit and the demands on his time. He occupies a very important place in government. What is critical is that when something is a priority for him it is a priority for the Government. In this context, I want to reflect on his comments and his speech this morning to the Fergus McCabe memorial lecture organised by CityWide. I listened very carefully to the contribution and I very much welcome the Taoiseach's commitment to the health-led approach and his emphasis on, and commitment to, increased supports and the promise of a citizens' assembly on drug use in this country.

I also heard him speak about the importance of community and partnership. It is vital that the Taoiseach understands there is a large difference between repeated references to community being a cornerstone of drugs and alcohol policy in this country contrasted with the reality on the ground that I see in communities in the north inner city, with increased centralisation, control of policy making and decisions, and a marginalisation of dissenting opinion, particularly by some officials in the drugs policy unit in the Department of Health. It gives me no pleasure to say this but it is important to put it on the record. Just this week we had the mid-term review of the national drugs strategy published. As far as I understand it, there was no community consultation involved in the review.

The Government faces a choice to work with communities, people on the ground and those who understand issues or have centralised policy. In this context, I want to raise with the Taoiseach the mission by the Department of Social Protection to tender out local employment services. Of course, changes are needed in some local employment services, but how the Government is pursuing this raises very serious questions about an understanding of how communities work and how local employment services work on the ground.

I will give one example. The Eastside and Docklands Local Employment Service is based in Dublin 1. Some time ago it spotted a significant demand for construction skills and started a construction skills programme. Every week it takes in 20 men, many of whom have never had a job. Some have been in prison and some have addiction issues. They are not vetted. After three weeks of training on a Friday they graduate and by the following Monday morning many of them start on a construction site. Let us think about that. Some of these people have never worked a day in their life and by the following Monday morning they are starting work at somewhere between €14 and €18 an hour with that income increasing as the weeks go on. That is transformative in their lives.

What makes this project work is that it is a not-for-profit, community-based local employment service. Dublin Port has given it a site free of charge to operate its programme. As it is community based, it is able to get funding for a variety of activities. If it were privately run, none of those supports would be in place and we would not have that crucial programme functioning as it is today. We need to look at the damage that will be done by the Department of Social Protection's crusade on dismantling local employment services.

My message today is on the importance of including communities, not only those who may have lost their way in life through addiction, harm or trauma. It is also about ensuring that any child born into disadvantage is given every opportunity to progress and to realise his or her potential. Right now, people running childcare services in Dublin's north inner city and across disadvantaged communities in the country are telling me they will not survive into next year once the Covid supports are taken away. The changes introduced by the national childcare scheme have seen a dramatic drop in financial support. That needs to change if we are to break the cycle of disadvantage in those communities.

Senator Alice-Mary Higgins: The Taoiseach campaigned, as did I, for the retention of the Seanad. He will remember that the message in that campaign was “Open it; don’t close it.” While we have had discussion of the 1979 referendum, we have two referendums that need to be vindicated. It is vital that the 1979 referendum on the expansion of the university franchise be implemented. However, it is not acceptable that the 2013 referendum, which was won on a promise of reform, would then go in the queue and wait a further 40 years for those changes to come into place. We need comprehensive Seanad reform, the kind of reform proposed in the legislation developed by all parties in the previous Oireachtas in the Seanad Bill, which will come back into these Houses in January.

It is crucial that we keep in good faith with the public, many of whom do not have a vote in Seanad elections but who voted to retain the Seanad, by ensuring that they get a say in the very important work that we do in the Seanad. Regarding the content of the Seanad work, the proposals for EU scrutiny have merit and that scrutiny needs to be delivered. Any gap in our democracy is a gap in decision-making that best serves the public.

I ask the Taoiseach to deliver Seanad reform, which we know is not complicated. It does not need to go back to the drawing board as it is already on the table with the Seanad Bill. He should also support other aspects of democracy. He should stand against a creeping erosion of the rights of citizens in planning issues because that is part of democracy. He should stand against the erosion of local authority powers and the voice of councils in offering visions and ideas for what should happen in their local areas. This is part of the democracy piece and the electoral commission will be looking at these issues. However, the Taoiseach needs to show the leadership to make this happen.

Regarding the shared island unit in the Department of the Taoiseach, investment is very positive, but we also need vision. What role does the Taoiseach envisage the unit playing in any future constitutional change, for example? What role can it play in protecting the human rights pillar, which is fundamental to the Good Friday Agreement?

Regarding our shared planet, the Taoiseach should be playing a key role in his Department in stewarding and leading on the sustainable development goals because this is the vision for a collective good - for a society and an environment which take pre-eminence and an economy which serves that, rather than having the economy rule over all, with society and the environment having to fit into that.

We need not just Covid vaccine sharing, but a Trade-Related Aspects of Intellectual Property Rights, TRIPS, waiver.

Senator Fintan Warfield: Hear, hear.

Senator Alice-Mary Higgins: We need real leadership and for Ireland to take a stand. We should be saying not just that we will export vaccines but that we will allow people to manufacture them. This is a human rights test for our time, as indeed are the actions happening on Europe’s borders. I ask the Taoiseach to show rights leadership at this time.

Regarding all the vision we might have, I appeal to the Taoiseach. He has an incredibly important role and he has eight more months in it. I know he has the vision and he has had the courage in the past to take brave, radical, transformative decisions for the common good. I urge him to use these eight months in that way to put a stamp for a better future, be it ending direct provision, declaring marine protected areas or providing a maternity hospital or a right to home

care and care for personal needs. These are the transformative decisions he can make.

Senator Paul Daly: I wish to share time with Senator McGreehan.

An Cathaoirleach: Is that agreed? Agreed.

Senator Paul Daly: Cuirim fáilte roimh an Taoiseach. There will be no element of surprise; I will be boringly predictable in mentioning agriculture. When I have to condense all that goes therewith into two minutes, I think the buck stops with forestry at the moment. When we talk about climate action and climate change our land mass provides our only way to capture, store and sequester carbon. While there is no silver bullet, the nearest thing we have to a silver bullet is forestry. I do not use this term lightly, but the forestry sector is in crisis.

Yesterday, representatives of Teagasc and the Department appeared before the Joint Committee on Agriculture, Food and Marine. They told us about carbon figures carrying. We are trying to achieve neutrality in our balance sheet. We are supposed to be planting trees for sequestering post 2030, but we are not planting them now. This is the big one. It needs an all-of-government approach if we are to meet our ambitions.

Senator Erin McGreehan: The Taoiseach is welcome to the House. It is an incredible privilege for me to be standing here as his nominee to Seanad Éireann and also as a Fianna Fáil representative. I had a few dreams as a child. One of them was to be a mother and the other one was to be a Member of one of these Houses. I was always in awe of our fellow party member, Constance Markievicz. I thought if she could do it back then, I could surely do it in the future. If a girl from the Cooley Peninsula, from an isolated Border area of County Louth, could walk in as a Member, so could anyone. Today, I want to dream a little bit more.

We are standing here during a period of centenary celebrations, which has often been difficult and very divisive. I challenge the Taoiseach to lead us by using all our pasts to change the future. We need to harvest that passion and pride, and indeed the hurt and pain. They should be used for good. Let us make this new century the first century that this island will be at peace. The Taoiseach has begun this by opening the most historic unit in the history of the State in my opinion, the shared island unit. It is our responsibility to ensure that our children's children live in a country where we have true republican ideals. For me, those ideals come from the Proclamation's promise to guarantee "religious and civil liberty, equal rights and equal opportunities to all its citizens ... cherishing all the children of the nation equally, and oblivious of the differences."

We have much work to do. We do this by examining and ripping apart everything we believed to be true, ripping apart all the prejudices and learned behaviour we have had over the past 100 years. We look towards the next 100 years with optimism and true, inclusive republican values. We need to re-examine how this country does its business, from how we treat people with disabilities, women and children to how we react to climate change and work towards a reunited Ireland. Only with a re-examination of how we work on this island will we ever be able to express our true republican identity in an inclusive and fair way. We need to challenge the rigid bureaucracy that we have created in this country. We need to continue to back this country its people - all its people and all its culture. We support the Taoiseach and we are behind him in his goal to finally deliver on the tenets of our Proclamation for this beautiful wee island.

Senator Maria Byrne: The Taoiseach is very welcome. I pay tribute to him and the

Government for their handling of a very difficult situation over recent months. It is certainly something that has affected people all over the world.

On the Covid vaccine booster roll-out, I welcome the fact that the over-50s group and the most vulnerable in society will receive their boosters soon. I have been thinking about how if one looks at the same advert or message ten times, eventually, it is as though it is not there. We need to find a different way of encouraging people to get vaccinated. Of the people who are not vaccinated, some of them are not listening to us. We need to find a different way of getting the message across. I wish to compliment the Taoiseach and the Government on the way in which they have handled it so far.

Most Senators would be surprised if I did not take the opportunity to be parochial. I would like to raise a number of issues, the first of which is the delivery of the M20. I spoke to somebody recently who had to go by ambulance from Limerick to Cork, and it was not a very pleasant experience. It is a road the Taoiseach has probably travelled many times. There are many twists and turns on it. The M20 needs to be delivered. It was not clear in the national development plan, with the “N/M20” referred to. Will the Taoiseach make a commitment on this today?

I refer to University Hospital Limerick. Other hospitals have been mentioned, but University Hospital Limerick has had the highest number of people on trolleys this week, which is an issue that has been going on for quite a while. It is not due to a lack of investment because 110 beds have been invested in within the past 12 months. There has been a lot of investment in staff and resources. Yesterday, the Irish Nurses and Midwives Organisation stated that it is seeking an independent review or a different way of approaching it. Will the Taoiseach take what I have said on board and look at this issue? I refer to staff and patient safety. Somebody needs to go into the hospital to look at how to do things differently. It is overwhelmed with numbers and I note that the region has grown as well. It is the main hospital in the region. This is really important. I would appreciate if the Taoiseach will commit to looking at that in a different way.

A new chair of the board of Shannon Airport was appointed recently. Shannon is important for the mid-west region in terms of economic delivery. Many companies that have relocated to the mid-west recently put it down to two things, namely, connectivity and the standard of education. They are two areas to which an ongoing commitment needs to be made.

Senator Sharon Keogan: It nearly feels like a Fianna Fáil Ard-Fheis in here, as I remember from many years ago.

(Interruptions).

Senator Sharon Keogan: It is wonderful to have the Taoiseach in the Chamber. We would love to see more of him. He is very welcome here at any time. We would have liked if his appearance before us had occurred during happier times. With the reimposition of restrictions and the prospects of lockdowns not being ruled out in the run-up to Christmas, it certainly feels like Groundhog Day again.

The vaccinations have not been the medical or political panaceas it was hoped they would be. The Cabinet's elementary plan of lockdown and wait for the vaccine is no longer viable. In

desperation, we have finally turned to using antigen testing, a useful tool in the anti-Covid kit of every other European country for the past year but which was seen as “snake oil” in Ireland for months as per the judgment of unelected medical advisers. It is too little too late, as the Taoiseach knows, as we languish at the bottom of the EU table for the worst rates of Covid-19 infection. The country still awaits a feasible exit strategy from this pandemic.

The systematic failures at organisational level in our bloated healthcare system - the most expensive out of the EU 15 on the basis of national income - which struggles every winter, have resulted in the inability to handle even the most modest increase in demand for capacity. The ordinary people of Ireland, who have complied to a fault over the past two years, will once again have to alter their ways of life to make up for this failure.

I am sure I am not alone in wishing that less time was spent in the Lower House in politicking against the Opposition, Sinn Féin. Sinn Féin will one day lead this country in government. It is as much the Taoiseach’s personal responsibility to prevent that as it is mine. Sinn Féin will do its best biting at the Taoiseach’s heels, and it is up to him to do his best in running the country. Rather than settle for refuting his opponents, why does the Taoiseach not show this country what Fianna Fáil can be? What happened to the Soldiers of Destiny? Perhaps some think that a grey, bland, globalist and EU-centric party accurately reflects the America-lite Ireland of today. I for one miss the deep and bold green of Irish republicanism, and there is much in store for a party that can deliver it.

As others have been parochial today, I, too, would like to be parochial. If there is any way the Taoiseach can pull a secondary school out of that bag, as well as the many other things people have asked, I would welcome it.

I wish the Taoiseach all the luck for the remainder of his tenure. I have no doubt he will lead Fianna Fáil into the next general election.

An Cathaoirleach: We might just clarify where the secondary school is, so that the Taoiseach can take notes?

Senator Sharon Keogan: In Duleek.

Senator Niall Blaney: I welcome the Taoiseach. We are very proud to have him here as our Taoiseach. I was equally as proud on the day he asked me to be his spokesperson on Northern Ireland. Considering what he has done and the republican approach he has taken in the context of the shared island unit and what he is trying to do there, he is setting up an approach to deal with issues in this country in an inclusive way, because far too much of what has happened since the advent of the Good Friday Agreement has been along sectarian lines and has caused more division.

As someone who comes from a strong republican background, it would be great to come into the Chamber and beat my chest about a united Ireland - we would all love to have it - but the reality is, and history has shown in the context of the Good Friday Agreement, that an approach of inclusiveness has worked and those foundations are laid and that is where we need to go back to in order to move forward. The Government’s shared island unit is very much in that vein. We welcome the opportunity to be involved with the work of the unit and the funding relating to it, because this is as much about people as it is about territory. Through the Good Friday Agreement committee and visits we have made to Belfast and elsewhere, we have realised the real difficulties that lie within the Six Counties and the Border area. Over time, the

work the Taoiseach is doing will hopefully bear fruit. I believe, ultimately, it will create trust. We, as politicians and elected representatives, have to do a lot of work on the ground to recreate the trust that existed around the time of the Good Friday Agreement. We can do that collectively and move to a shared future that is built on respect and trust, and make the economy work throughout all 32 counties for the good of all our people and children and their futures.

An Cathaoirleach: Senator Blaney is sharing time with Senator Clifford-Lee.

Senator Lorraine Clifford-Lee: The Taoiseach is very welcome. As a member of the Fianna Fáil Party, I am proud to have him in the Chamber. The fact that he is taking time out of his challenging and busy schedule at this difficult time in our nation's history is much appreciated. It is a mark of the man he is that he would take the time to listen to everybody's views. I thank him for that.

I am particularly proud of the Government and his leadership of the Government, which has prioritised women's healthcare. We have seen revolutionary commitments to a free contraception scheme, menopause clinics, endometriosis clinics, safe access zone legislation and free period products, to name but a few.

Another area I wish to touch on briefly, which I have raised with the Taoiseach previously, as have some of my colleagues, is the lack of women's refuges. We have high levels of domestic violence in this country. The Covid crisis has seen women particularly impacted. Their financial well-being and their safety have been impacted. Too many women have died in their homes at the hands of current or former intimate partners. This is an issue we need to tackle as a society and we need a comprehensive roll-out of refuges. Eight counties have no refuges and the counties that do have refuges, they are completely oversubscribed. I hope the Taoiseach will prioritise that going forward.

Senator Aisling Dolan: Gabhaim buíochas leis an gCathaoirleach and I welcome the Taoiseach to the House. I welcome his comments on the importance of this House in the scrutiny of legislation and in having independent voices.

Based in the west, we are a region in transition. We are already at a disadvantage in the west of Ireland. We have startling levels of inequality in this country in respect of investment across a number of key areas, namely, health, education, infrastructure and transport. That means we have underinvestment in the west per head of population right now. This was detailed in a report of the Northern and Western Regional Assembly.

I welcomed the Taoiseach to my hometown of Ballinasloe last week and to St. Teresa's Special School. I also very much welcomed the news of the new building there which will be fantastic for the 30 children and I look forward to that. We are 25 years waiting for a national school in Ballinasloe and this is a process I am working on with the Department of Education.

I would welcome a commitment on the HSE capital plan. I know that is moving forward and that we had a 50-bed unit in that plan for Portiuncula Hospital, with multi-bed wards in that hospital trying to fight infection control, as well as a rehabilitative unit which will be in Roscommon University Hospital.

Galway County Council, as has been mentioned by Senator Kyne, is the second lowest funded council in the country. The report referred to said that we need positive discrimination in the west to balance the levels of investment. How is it fair that any family in the west is

somehow living with these levels of disadvantage when compared with any other region in the country? I appeal to the Taoiseach that something has to be done.

As education spokesperson for Fine Gael in the House, I am also passionate about education, with the wealth of talent in our country and our knowledge of arts, literature and poetry, as well as history, to guide us in the future. We have to increase investment in research to be a global innovation leader. We know that the European average is roughly about 2.19% and Ireland lags behind in that regard. That is something that we need to focus on in order to become a global innovation leader and to keep investment in our country.

I welcome all that the Taoiseach has mentioned on the shared island initiative. Everything that has been done on the cross-Border canal and research programmes are very welcome. I also acknowledge the work of my colleague, Senator Currie, in this area and I also acknowledge the recent loss of her father, Austin Currie. Gabhaim míle buíochas leis an Teach.

Senator Fintan Warfield: Gabhaim buíochas leis an gCathaoirleach. I welcome the Taoiseach to the House.

The private rental market is broken. It is dysfunctional and everybody knows it. People are paying sky-high rents and in return they are getting absolutely no protection. Renters have no protection if the home is sold, if the landlord decides to move in, or if a family member of the landlord decides to move in. These cases amounted to 70% of all notices to quit and of evictions. How can the Government claim to be introducing tenancies of indefinite duration when it refuses to protect renters in the overwhelming majority of eviction cases? I put it to the Government and to the Taoiseach that they should stop claiming to be introducing tenancies of indefinite duration until they give renters genuine and real protection.

The Taoiseach will be aware that one of his Ministers of State, Deputy Troy, recently guaranteed confidentiality when he met with Facebook and other tech giants. These discussions included legislation which will come before these Houses. What exactly is being said in these meetings that Facebook and others do not want us to search for under the freedom of information Acts? Time and again, Facebook says one thing in public but quietly lobby against it behind closed doors, spending millions of euro in the EU institutions in doing so.

It is the job of the Irish Government to get tough on social media companies, to hold them to account, to stand up for our protection and safety online and that of our data and privacy, and to stand up for our precious democracy. It is unpalatable that an Irish Government Minister would grant tech giants confidentiality and deny our ability to FOI these meetings. I wonder if the Taoiseach agrees with this.

There have been 13 different reports into Seanad reform. I was a very active member of the Seanad Reform Implementation Group, as was Senator Ó Donnghaile, set up by the then Taoiseach, Deputy Varadkar, to look at how we implement the report of the Seanad Reform Implementation Group, or the Manning report. The Bill that was produced by that group is on the Order Paper in this House. Will the Taoiseach commit to supporting that legislation which the Government has delayed for 12 months? Let us open up the democracy or the electorate of this House to include Irish citizens in the North-----

Senator Niall Ó Donnghaile: Hear, hear.

Senator Fintan Warfield: ----- in the South, Irish citizens overseas and to graduates from

all third level institutions. Focusing on that reform alone is to shirk our responsibility for radical Seanad reform. It is long overdue that we take action on this reform.

Senator Niall Ó Donnghaile: Well said.

An Cathaoirleach: I call on the Leader to propose an amendment to the Order of Business to extend the sitting of the House, notwithstanding the Order of Business today?

Senator Regina Doherty: I propose that we extend the sitting of the House for 20 minutes.

An Cathaoirleach: Is that agreed. Is that acceptable to the Taoiseach as there are a number of Members who still wish to contribute?

The Taoiseach: That will be fine.

Senator Niall Ó Donnghaile: Lock the doors.

An Cathaoirleach: That is agreed. I now call on Senator Cassells.

Senator Shane Cassells: I am sharing time with Senator Murphy. Is that acceptable?

An Cathaoirleach: Is that agreed? It is agreed.

Senator Shane Cassells: I thank the Cathaoirleach. The Taoiseach is very welcome to the House here today and was even more welcome to Navan, my own town, on Monday of this week. The duties that he undertook were all reflected in his speech today as to his key priorities. On housing, I was delighted to see him opening the 109-home development in Gort Fionbarra. This shows that despite Covid-19, large housing schemes by approved housing bodies and county councils are still happening.

On climate change, one of the big areas of investment in the climate plan is the whole area of public transport. The fact that the Taoiseach came to the old railway station in Navan and committed towards seeing the advancement of that planning process, as announced by the National Transport Authority, NTA, last week is going to be of great significance for the people of Navan and Meath. I am delighted that we are committing to that.

On Covid-19, and the regulations that were brought in this week, on Monday, 24 hours before those regulations were announced, the Taoiseach met with a cross-section of business people in Navan who spoke to him directly and told him that they wanted to see whatever needed to take place, to ensure that they could continue to trade safely and were appreciative of the Government supports. Specifically, publicans also told the Taoiseach that they agreed with the 12 p.m. closing time. One could barely understand that from the noise and shouting that comes from some of the representative bodies. One wonders if they listen to their own members who want to see the country kept open, with the regulations in place to allow them to do that.

I am glad that the Taoiseach came and heard those messages directly from the people on the ground and that we will be able to deliver for those constituents of mine that the Taoiseach met. I thank the Taoiseach.

Senator Eugene Murphy: Gabhaim buíochas leis an gCathaoirleach. Fearaim fáilte roimh an Taoiseach. Is iontach an rud é go bhfuil sé anseo chun labhairt linn. Is í seo an chéad uair dó a bheith anseo mar Thaoiseach. The Taoiseach is very welcome to the House. This is not an easy time for a leader and this has already been acknowledged and said. I agree with the

comments of Senator Paul Daly on forestry and on the accounts given in respect of funding, particularly for Galway County Council. I know that the Minister, Deputy Darragh O'Brien, is working and engaging on that issue.

Just transition is very important for my part of the country. I appreciate the number of conversations that we have had. Just transition, initially, was for the region of Longford, Offaly, east Galway, Roscommon and parts of Kildare. It must be maintained in that area for now. The delivery is slow. I know that the Taoiseach and the Minister, Deputy Ryan, are working to sort this out. It must be remembered that we have been very badly hit economically with the loss of the Bord na Móna and ESB jobs. I appeal to the Taoiseach today to take that on board, take it seriously and to ensure that Bord na Móna and the ESB, in particular, deliver on the financial allocations that they promised to the local communities which is of great importance.

Many live artists in the entertainment sector are going to be in trouble until next spring because of the rising Covid-19 figures. There are cancellations all over the place. I am appealing again to the Taoiseach and to the Minister, Deputy Catherine Martin, to put a package together to ensure that those people do not suffer financial economic hardship over the coming months. Gabhaim buíochas.

Senator Barry Ward: Gabhaim buíochas, a Chathaoirligh. Cuirim fáilte roimh an Taoiseach. I am sharing time with Senator Carrigy.

An Cathaoirleach: Is that agreed? Agreed.

Senator Barry Ward: Given my limited speaking time, I wish to address one issue with the Taoiseach which is the issue of local government and the importance of giving powers back to councillors. We have had a situation over successive Governments, not this one or the one before that, where powers have been progressively stripped away from councillors over the past 20 years. We have disregarded the constitutional status of local government and have taken our trust out of it and put it into central government. The powers now vest in unelected and largely unaccountable officials at local level and in the Custom House. If we have anything to say about the principle of subsidiarity as it applies in a European context, and it should apply generally, it is that we should be reinvesting in our local government and in the councillors that we have who work very hard throughout the country and give them back those powers. These have been stripped away successively over a number of years. These powers range from planning to involvement in a whole range of other issues from water, to roads, budgets and all of the other factors. We have a very effective group of councillors around the country. We have an incredibly effective group of councillors around the country but, although I was pleased that we made steps towards removing the strategic housing development legislation last night, the central government and Legislature still need to make progress in that regard.

An Cathaoirleach: Since the Taoiseach's time is precious and he must get on a flight, I ask the Senators to restrict their remarks to one minute. We all want to hear the response.

Senator Micheál Carrigy: The Taoiseach is welcome. It is an honour for me to stand here as a Member of the Oireachtas addressing him.

I want to raise a couple of local issues. I concur with the comments of Senator Murphy on just transition. Not enough projects have got off the ground. More funding needs to be made available. The local contribution – 25% – is becoming increasingly difficult to make due to increasing costs. That is an issue. Perhaps another meeting in the not-too-distant future with the

party leaders, the just transition commissioner and Oireachtas Members from the area would be a good idea.

Considering that the Taoiseach mentioned the road network, I want to highlight the N4. With the 2:1 arrangement in respect of expenditure on public transport and roads, it will be extremely difficult to get everything done, but if you look at a map of Ireland you will see the one missing piece of the jigsaw is the N4 from Mullingar to Roosky. That has to be a priority ahead of many other road projects.

The Taoiseach mentioned the advancement regarding special needs assistants, SNAs, when he was Minister for Education. I want to see further investment in the school inclusion model under the Minister of State, Deputy Madigan, and in the progressing disabilities services scheme, which has been rolled out by the Minister of State, Deputy Rabbitte, to make sure all children receive the supports they need. Senator McGreehan mentioned that we pass by the Proclamation every day we come in here. It refers to cherishing all the children of the nation equally. One hundred and five years later, we are not doing so. We are getting there but a further investment needs to be made to ensure that we look after all the children and so they will get the services they need.

We need to extend the use of the Covid passes further. We need to develop a new communications strategy or develop a new communications unit to make sure we get across to the unvaccinated the damage they are doing to our hospital system.

Senator Annie Hoey: I wish to share my time with Senator Mark Wall.

I want to flag some areas that I hope are of importance to the Taoiseach. I could not stand up here without referring to student nurses and midwives. As a former Minister for Health, the Taoiseach will be all too familiar with the work they do, but the issue of pay has still not been resolved. This is scandalous. I plead with the Taoiseach to show leadership on this issue; leadership that I can assure him the country is calling out for.

The Taoiseach said in his opening statement that education is the great enabler. As a Senator for students, I obviously agree, but without vigorous investment and a sustained long-term funding model for the further and higher education sector, education will remain the great enabler for some and will still be beyond the reach of many. The Taoiseach created a new Department, the Department of Further and Higher Education, Research, Innovation and Science, under his leadership but, without long-sought-after funding to stabilise the sector and without tackling precarious employment in the sector, this will be a lost country-defining opportunity.

Senator Mark Wall: Like other members, I welcome the Taoiseach to the House. I consider it an honour to have been elected to this House. I welcome the fact that the Taoiseach has come to listen to us today.

I join the Taoiseach in thanking all our front-line workers but there is one cohort of front-line workers on whom I want to concentrate. Since I come from the great county of Kildare, it may come as no surprise that I am referring to our Defence Forces. I would appreciate it if the Taoiseach, as Head of the Government, clarified today for those serving in our Defence Forces that the Government is committed to the future of the force, to rebuilding the force of 9,500 serving personnel and to addressing the pay-and-conditions problems that dominate the issues encountered daily by the Defence Forces' representative bodies, namely, the Representative Association of Commissioned Officers, RACO, and PDFORRA. This would certainly

be welcomed by all those who represent our country with pride and loyalty. It would be most welcome among their families.

Senator Lynn Ruane: I thank the Taoiseach for being here this afternoon. We need to name the date for the Citizens' Assembly on drugs. I am aware that the Taoiseach launched the CityWide Drugs Crisis Campaign event today. The rumour, if you talk to people in addiction industries, is that the relevant Ministry is in a pair of safe hands but we have to deal with unelected officials every time we try to deal with the Department. No decisions are being made regarding drugs by the Minister. When I think of safe hands, I think of all the people in communities such as mine who wake up every morning and open their child's bedroom door wondering whether he or she will be alive or dead after drug use the night before. I also think of all the women struggling because of crack cocaine use. Nothing, in any shape or form, has been done. For up to 15 years, we have had different Ministers with the same script. We need to name the date for the Citizens' Assembly so we can finally have an open and honest discussion and take real action on the issue of drugs.

Senator Catherine Ardagh: It is a genuine honour to be on the Taoiseach's Fianna Fáil team in the Seanad. I have a few small issues to raise.

I commend the Taoiseach and his team on all the women's health initiatives. The shared island unit is a huge part of our tradition as members of Fianna Fáil and a huge part of our republican ethos of treating children equally, but it would be remiss of me to stand up here without mentioning HSE community health organisation 7, CHO 7. There is a serious lack of funding and a serious fallout over missing timeframes for the assessment of needs. No therapies are being provided to children in CHO 7. It extends all the way from south Dublin to Kildare. It affects such a huge part of our country. Could this be addressed? I am aware that the Minister of State, Deputy Rabbitte, is doing a huge amount of work on it. Everything is in her way. She is devoting so much energy to addressing the matter but she has not got the necessary resources. If she had proper support, she could tackle this area.

I realise the Taoiseach must feel he is in a clinic here. I congratulate him on his stewardship during the Covid pandemic but I would like to do a little more on antigen testing. Antigen tests should be accessible for free on a widespread basis nationally.

Senator Jerry Buttimer: I welcome my constituency colleague, the Taoiseach, to the House. I am certainly glad he is here. I will not give a list of different things. When I heard Senator Keogan's contribution, I said, "Mother of God, where am I going next?" The Senator should note the job of the Government is to lead. The Taoiseach has been very clear. I reiterate here today that vaccinations work. Our job as legislators is to bring people with us on the matter of public health. The Taoiseach has done that from the beginning. He urged us in his speech to get vaccinated. Let us encourage people to get vaccinated. The message coming out from Seanad Éireann today should be that we want people to get vaccinated to protect the public health of all of us.

I am sure the Taoiseach wishes he had not condemned the communications strategy under Mr. John Concannon because we need clear messaging from the Government and all of us on what is happening in our country. There is disquiet, concern and fear, and this requires leadership. I commend the Taoiseach and his work and stewardship of the Government. I wish him every continued success in his role.

An Cathaoirleach: Before I call on the Taoiseach, I call on my county colleague, Senator Ned O'Sullivan.

Senator Ned O'Sullivan: Cuirim fáilte roimh an Taoiseach. I am delighted to see the Taoiseach here to address us. This is important and we appreciate it. No better man than the Taoiseach to be here because, of all the party leaders, he was the only one in these buildings who stood by the Seanad when it was fighting for survival. I thank him for that.

It is Deputy Micheál Martin's fate, and ours, that he is Taoiseach in the middle of what is probably the worst crisis this country has faced in many years. The last was probably the Emergency. The country had good leadership then. We were in good hands then and we are in good hands now. The only difference I see is that de Valera had 95% support in Leinster House for the difficult decisions he had to make during the war. Now it seems the national interest is playing a very poor second to party interests and populist irresponsibility. That represents a sad day. In my 35 years as a public representative, I never believed I would see that day coming. It makes me worried about the future.

The Taoiseach showed his courage and mettle by introducing the smoking ban, which I supported, and by standing by the Seanad and taking a courageous stance on the question of the eighth amendment and other social issues. I do not doubt that he will continue to give good leadership.

My colleagues have spoken about the shared island initiative. It is very important. I hope the Taoiseach will persist with it. It is the way forward. The Good Friday Agreement was founded on engagement, consensus and dialogue. I am afraid we are starting to hear a lot of the old, tired rhetoric and narrative that got us nowhere for nearly 100 years. There are those who are calling for a Border poll right now. This is highly irresponsible. The shared island unit can bring all the various strands of opinion together. There is no point in people having big meetings around the country and talking to themselves. The Taoiseach's shared island unit wants to talk to all sides. As Senators Blaney and McGreehan said, we have to talk to everybody. I was very proud that the Government was represented at the religious function in Armagh. It was very important to rectify a situation that had deteriorated very rapidly. I am very proud to see Deputy Micheál Martin here as Taoiseach, I am proud he is my Taoiseach and I am proud he is leader of my party.

An Cathaoirleach: I thank all the Senators for their contribution. The Leas-Chathaoirleach will have the last word on this but, before that, I call on the Taoiseach.

The Taoiseach: I thank all the Senators for their varied contributions. I may not be able to get through every contribution in my reply but there are common thematic elements to the debate to which I can respond.

Quite a number of Senators spoke about the broader issue of this island and its future. I think Senator Doherty started off in that vein when she referred to the shared island initiative and the importance of listening. That is a skill set we could all do better with and one I could improve on. It is the most fundamental skill set in respect of reconciliation on the island. At the core of the Good Friday Agreement were three sets of relationships, namely, the British-Irish relationship, the North-South relationship and the relationship between the two traditions on the island, specifically within Northern Ireland. Irrespective of whatever happens into the future, those three sets of relationships, no matter their configuration, must be an integral part

of the future.

I was invited to go on a journey in respect of the Good Friday Agreement and I have been on that journey for a long time. When I look back on the 1940s and 1950s, I see that the anti-partition movement, specifically the Irish Anti-Partition League, was quite sterile in the end. It achieved absolutely nothing. It took Lemass to go across the Border and to shake O'Neill's hand, the first move from the South, for engagement to take place. That was considered at the time to be something that should not be done, was against all principles, etc. Then, when I was eight or nine, the North erupted. Most my adult life was a daily diet of bombs, murder and mayhem. I thought I would never see the end of it. I never thought I would be in government actually presiding over the Good Friday Agreement. I recall the cessation of violence and the Downing Street Declaration. What that took was that listening skill of putting ourselves in what we perceive to be the other side's position, understanding where they are coming from, they, too, understanding where we are coming from, and being able to work out a shared future. That should be at the core of everything we do. If we start putting forward timelines and saying, "It is now or never: you must come on board", we just re-embed the trenches, it seems to me.

I recall that way back in 1992, I went to Corrymeela for a weekend with 11 other Senators and Deputies. The former Taoiseach, Enda Kenny, was there. We were all backbench Deputies at the time. There were 12 unionists and loyalists at the Corrymeela event. The DUP was going to participate but the late Ian Paisley, God be good to him, pulled his party members out at the last minute in order, as we know, to undermine the official unionists who were there. While I was in Ian Paisley's constituency, he was thundering on "RTÉ News at One" about the disgrace that Dermot Ahern and Micheál Martin were in his constituency. I will not take him off, but it was quite interesting. The point I am making is that, during that weekend, we learned so much about one another. I will always remember - I have said this before - that we were asked by the facilitators, who were Quakers, I think, to put up on a blackboard everything we thought about unionism. What we put up was not good. I remember one person quipped, "Just give us five minutes to get out of here before they see what we have written about them." The unionists and loyalists were doing a similar exercise in another room. We compared notes. They thought the parish priest wrote my speeches. That is not true, by the way, just to make that clear. That was their perception of the politics in the South. One of ours said unionists do not smile. The gap in understanding was so wide, but over time we gained confidence. A citizens' assembly can happen any time, but that is about frameworks and saying what model would work. That will not achieve a whole lot in the short term. It is the kinds of meetings to which I have referred that achieve things. I know that individual Senators and Deputies have been up and down meeting different groups of people, not only gaining confidence in one another's company-----

Senator Niall Ó Donnghaile: I certainly have been.

The Taoiseach: -----but also understanding the pressures they are under.

The resolution of the protocol issue is about that same exercise. To be fair to Commissioner Šefčovič, I asked him to go to the North and he did, as did the Minister, Deputy Coveney. Commissioner Šefčovič went to the North, listened to the people on the ground, came away with a different perspective, to be fair to him, and persuaded colleagues in Europe, some of whom believe he has gone too far with the package he has produced. The UK Government is engaging. There is now a sense that there is a bit of momentum that could go either way.

We need to double down. My regret about the Good Friday Agreement is that it has not

fully realised its potential. There has been too much stop-start, with the Assembly being absent for so long during different periods. That does not build confidence among the electorate and the public that the institutions will work. There has been an alienation from the institutions because of their stop-start nature.

As for the shared island initiative, notwithstanding people's constitutional preference, to which it is without prejudice, there is a hell of a lot we can get on with to build that shared understanding. I was delighted to see recently, when I was speaking online, an all-island biodiversity network. We will fund that through the shared island unit. It involves people getting together on the environment and climate change. They are putting politics outside the door. They are of the unionist tradition, the republican tradition; it does not matter. The north-west partnership development group is fascinating and has a great record on economics and enterprise. It involves all shades of political opinion between the two councils in the North and the South, namely, Derry City and Strabane District Council and Donegal County Council. It has a very strong, robust economic agenda.

We need to build and build in a very pragmatic way to get things done and improve the quality of life of people overall. Yes, people are of course entitled to pursue constitutional objectives and ideals. That is accepted. However, we need to give ourselves space to engage and to give people the confidence to be comfortable in one another's company.

Senator Niall Ó Donnghaile: Those things can happen in parallel, perhaps.

The Taoiseach: I will turn to antigen testing and Covid-19. We are going through different phases of Covid-19 and learning all along the way. The vaccination programme has been very successful and it is because of that that the country is still open. The majority of those who end up in ICU are unvaccinated, and most of those who are vaccinated have underlying conditions. Consequently, making sure that those who are immunocompromised and who have underlying conditions get vaccinated first is essential. I cannot overstate the importance of that because it will reduce hospitalisation and ICU admission over time. It should be remembered, however, that this is not just about the health service; it is about genuinely wanting to prevent people from getting very sick and dying. That has to be the fundamental objective of public health policy. When I say "different phases", I mean we have got a lot done - a crude lot because we did not know this virus at first and there was a lot of uncertainty. We got a second lot done with the Alpha variant. In both cases there was no vaccination and no inherent protection against the virus. The immunity that vaccination provides against serious illness and against mortality is strong, not so much against infection. The booster will give us added protection. We have to try to arrive at an equilibrium that keeps open and protects what we have open while reducing or putting a lid on the number of people getting sick. The Chief Medical Officer put it very well yesterday when he said the thousands of people who could get Covid next month under current modelling do not have to get it. That just means all of us collectively reducing our socialisation. We can turn that modelling in a better direction and reduce the pressures on the health service. The health service is under pressure from other issues. For example, respiratory syncytial virus, RSV, and other respiratory diseases, not Covid, have been the biggest factor in children being admitted to hospital. Most people in paediatric hospitals will say that.

We had widened the deployment of antigen testing. There have been public health issues. The public health chiefs have concerns about the widespread use of antigen tests. I put that on the record, to be fair. I support the use of antigen testing and its increased use. There is concern about its use in a proper way, that is, doing it while one is asymptomatic. The evidence in the

research shows that many people are not using antigen tests in the most optimal way. A significant, comprehensive communications campaign on antigen testing will be needed. We have widened the scheme. Some 3,000 people per day are now receiving antigen tests, in line with public health policy as to close contacts. Approximately half a million tests have been distributed across all sectors. There have been approximately 100,000 tests used by the Department of Agriculture, Food and the Marine alone, in meat plants and so on. They are being deployed in third level colleges. The Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, took out a private initiative some time ago on that deployment. Antigen tests will be rolled out in education settings. We will also work with childcare settings in that respect.

The HSE's antigen test portal has been set up because it wants people to feed antigen test results to it. We did set up the independent expert group. Indeed, Professor Mary Horgan was on national radio today and she made similar points. We also will be providing a wider distribution of antigen testing across society. I believe the way antigen testing has evolved has been positive, effective and targeted with outcomes. However, antigen testing is not the silver bullet, by any means. It is just a supplemental tool. The PCR tests remain the gold standard. We did approximately 196,000 PCR tests in the last seven days and antigen testing can be a useful supplement to that. As the booster campaign is rolling out, we will reduce the risk to those most at risk of admission to hospitals. We will reduce their vulnerability by the roll-out of the booster itself. We depend on the roll-out of the booster on the national immunisation advisory committee.

All of us, as politicians, can get frustrated. We have our views. We, like anybody else, can look at the situation and say "they should do that, they should do this". Yet, we should be careful to protect the edifice. When I say the edifice, I mean the different layers of decision-making that has protected us from the outset of the pandemic. At the outset, all political parties were in agreement. I was in opposition at the time, albeit that was during an interim period, the interregnum between the election and the formation of the Government. I was clear that public health had to be at the centre of the country's response to the pandemic. We can have 101 opinions in society but if we do not have a central pillar or an edifice to get us through this, we will end up dividing all over the place. That does not mean that centrality of public health advice is God or anything like that, but it has to be respected.

Likewise, on the national immunisation advisory committee, we may be impatient or may want faster outcomes but what ultimately gives the vaccination programme the confidence that people have in it, is that it is not the politicians who decide that people should want to get vaccinated, because, for instance, we politicians think vaccination works, so off you go and get vaccinated. Rather, it is an independent scientific body that decides. That is crucial for the doctors and medical professionals who administer vaccines. They will not administer vaccines on the whim of a political order or edict. However, they will do it when they have the authoritative authorisation of their peers. Therefore, NIAC, public health, NPHET and the Government have to work collectively and with one message. It is important that we do not undermine the edifice too much. Ultimately, it is that pillar that underpins the entire approach to pandemic so far. Of course, we can improve. Of course, we can do better. However, in my view, we will get through this pandemic, this phase and this fourth surge. It is welcome that antivirals, medicines and therapeutics are coming. They are now being authorised by European Medicines Agency, EMA. That is welcome. Over time, we will have to live with Covid-19. However, we will have far better responses, combinations of vaccines and medicines, behaviours and so forth.

A range of other issues were raised. I get the forestry and agriculture issues. On planning, the Attorney General has taken on a huge task in a fundamental overhaul of the planning code, to streamline it to ensure we can go one layer from council, to An Bord Pleanála, to judicial review, to the courts and to Europe. We need to streamline it. Communities, of course, have to be at the heart of planning but planning cannot go on for years either. Let us be clear about that. There have been serial objections across the board to a lot of the forestry applications. We need commercial afforestation. We also need native woodlands to a far greater extent. We need to incentivise that more. We need to create new income streams for farmers for the growing of native trees on their farms. They have to become the guardians of our biodiversity but they have to be rewarded for doing that.

The Commission on the Defence Forces and their future is an important piece of work. I am concerned about it. The backbone of any country is its defence forces. I mean this in the widest possible way. The Defence Forces came out at the very beginning of Covid-19. Their logistical know-how and above all their peacekeeping credentials have brought great honour to the country. They have enabled Ireland to have its own distinct role in international affairs around conflict prevention and peacekeeping itself. We have taken a leadership role in that respect, particularly in gender-based conflict. We take a human rights-based approach to complex situations and humanitarian corridors.

Different remarks were made about Europe. I am passionate about our European membership and about our UN membership. It is extremely important that we celebrate those as a country. At the core of that is our enterprise agenda. The biggest decision we took was in the 1960s, when we decided to open out. We were too inward and too protectionist. We opened out. There is a huge Single Market. We have a lot of know-how. We have to sell our goods and services to the world, as a small island. I also think we can bring our values toward as well.

I think I have been going on for too long, a Chathaoirligh. I take on board everything that has been said. I have noted every constituency issue or road project that was identified-----

An Cathaoirleach: And schools.

Senator Sharon Keogan: Do not forget secondary schools.

The Taoiseach: -----and schools in Duleek. In respect of Galway and the west, we want to economically redress the regional imbalance in economic development. The whole national development plan is about regional cities growing, as well as about getting higher population growth on that western seaboard and so forth. I apologise that I cannot get to every topic.

Senator Eugene Murphy: And just transition.

The Taoiseach: And just transition. Take care and thank you very much.

An Cathaoirleach: Before Members leave, I ask the Leas-Chathaoirleach to say few words. We had 30 Senators speaking. That is half of the Seanad. As more than 100 topics were raised, there was no possibility that the Taoiseach could address all of the topics. However, I thank him for taking notes on the topics. I now call on the Leas-Chathaoirleach, who has two minutes.

Senator Joe O'Reilly: Is cúis áthais agus bróid dom mo bhuíochas agus buíochas mo chomhghleacaithe a ghabháil leis an Taoiseach inniu. Táimid fíorbhuíoch de as ucht a bheith linn agus as a ráiteas cuimsitheach dearfach. Chuir sé dúshlán agus fíis os ár gcomhair. Bíodh

sé cinnte go mbeidh ár dtacaíocht agus ár n-iarrachtaí aige chun na haidhmeanna sin a bhaint amach.

It is my pleasure and privilege to thank the Taoiseach for being with us today, and for the visionary, challenging and comprehensive presentation he laid before us. In his fine introduction, the Cathaoirleach spoke of the Taoiseach's reforming zeal across many areas of Government and across many Departments. Outstanding among those is the smoking ban, which was pioneering. It has had a profound and positive effect on society. As a resident of a Border county, I particularly wish the Taoiseach success in his recent initiative, the shared island unit. I hope it will build on the recent growth of trade, build interpersonal and communal contact, and create a mutual understanding that will ultimately create a union of hearts and minds in new structures in a new united Ireland.

Today, the Taoiseach has continued an honourable tradition of taoisigh addressing this House. He has committed himself to supporting our wish to lead the scrutiny of EU legislation. We are delighted with that. He is a strong supporter of this House and he reasserted that today. He also placed before us a positive visionary statement. It not only gives us hope, but challenges us to work to support that. Thank you a Chathaoirligh, and I thank the Taoiseach for being with us.

Sitting suspended at 3.30 p.m. and resumed at 3.35 p.m.

Air Accident Investigation Unit Final Report into R116 Air Accident: Statements

An Cathaoirleach: I welcome the Minister of State at the Department of Transport, Deputy Naughton, to the House. I put on record my deepest sympathies - I know all Members join with me - to the families, friends and colleagues of the members of the Irish Coast Guard who lost their lives in the accident involving R116, namely, Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith, and winch operator Paul Ormsby. The R116 air tragedy was a result of a lot of systems failures. This very comprehensive report makes recommendations that I truly hope will ensure that no further lives are lost in incidents with the Coast Guard service.

In 2011, I worked with the community in Valentia to ensure that the Valentia marine rescue co-ordination service for the Coast Guard was kept open along with the Malin marine rescue co-ordination centre. A number of issues were raised in the Fearon report, but these were not included in the final report that was given to the Minister. At the close of the debate I propose that we have a minute's silence in the House for Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby. Ar dheis Dé go raibh a n-anamacha dílse.

Senator Jerry Buttimer: Hear, hear.

Senator Gerry Horkan: Hear, hear.

Senator Mark Wall: Hear, hear.

Minister of State at the Department of Transport (Deputy Hildegarde Naughton):

I am grateful to the House for affording me this opportunity to make a statement on the final report of the Air Accident Investigation Unit, AAIU, on its investigation into the Rescue 116 accident.

The Minister for Transport and I spoke yesterday in the Dáil on this matter and it is fitting that this House should also be fully briefed and given the opportunity to respond. The R116 accident was a tragedy that claimed the lives of four crew who dedicated their lives to saving others. I again express my sympathies to the families and loved ones of pilot, Ms Dara Fitzpatrick, co-pilot Mr. Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby. I recognise also the tremendous recovery effort in the days and weeks after the accident, often by people who knew them well, both professionals and volunteers. They deserve our deepest gratitude.

The Government acknowledges and appreciates the completion and publication of the AAIU report. The completion of the investigation and the publication of the report is a key step in ensuring that such accidents are prevented in the future. I commend the chief inspector of air accidents and his team for compiling such a comprehensive and detailed report. Search and rescue aviation operations will benefit greatly from its findings and the implementation of its safety recommendations both in Ireland and internationally.

The AAIU is an operationally independent unit within the Department of Transport and is responsible for the investigation of aircraft accidents, serious incidents, and incidents that occur within Ireland. The AAIU conducts investigations in accordance with global and European legislation and under the provisions of the 2009 Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations of 2009.

The fundamental purpose of an AAIU investigation is to determine the circumstances and causes of air incidents and accidents, with a view to the preservation of life and the avoidance of similar occurrences in the future. It is not the purpose of such investigations to apportion blame or liability. The report of the investigation into the R116 accident is wide-ranging in scope, with findings and safety recommendations that cover all aspects of search and rescue aviation, both nationally and internationally. The main conclusion by the AAIU is that the accident was an organisational accident. Organisational accidents have multiple causes involving many people operating at different levels of their respective organisation. In total, there were 71 findings and 42 safety recommendations, of which ten findings and 14 safety recommendations are directly relevant to the Minister for Transport.

My Department fully accepts all recommendations from the AAIU report and I will ensure that recommendations addressed to the Minister are implemented. It is a large and complex report and deserves to be given due consideration and this my Department and I will do. It is proposed to formally respond to the chief inspector of air accidents in respect of each safety recommendation addressed to the Minister, in advance of the 90-day timeframe required under the relevant EU legislation governing the investigation and prevention of accidents and incidents in civil aviation.

The Department did not wait for the publication of the final report in order to implement changes on foot of lessons learned following the accident. Since March 2017, and specifically following receipt of the draft final report in September 2019, the Department and especially the Irish Coast Guard, have undertaken a significant programme of change across key areas to take account of issues raised and recommendations addressed to the Minister of Transport.

On foot of the interim report of the Air Accident Investigation Unit, the then Minister for Transport, Tourism and Sport commissioned an independent review of oversight arrangements for search and rescue aviation operations in Ireland. Following publication of the independent review, known as the AQE report, in September 2018, the then Minister committed to implementing its 12 recommendations.

The measures that have been taken fall under six broad categories: development of a new national search and rescue framework, the national search and rescue, SAR, plan; enhancing safety and oversight across the search and rescue system; addressing oversight of search and rescue aviation elements, nationally and internationally; review and revision of all relevant standard operating procedures and training for Coast Guard personnel, especially rescue co-ordination centre staff training, with a focus on aviation tasking - this includes the introduction of a formal course on tasking of aviation assets delivered by an IAA authorised training organisation, ATO; development of an externally accredited safety management system in the Coast Guard; review of governance arrangements in relation to the aviation contractor; and enhancing aviation expertise in critical areas and legislative reform of the Irish Aviation Authority, IAA.

A new search and rescue framework, the national search and rescue plan, NSP, which provides for more explicit governance, assurance and oversight roles across the SAR system was noted by the Government and published in July 2019. The key objectives of the NSP are as follows: to achieve a rebalancing of the previous maritime-centric SAR framework to encompass air and land SAR more comprehensively; to establish effective governance, oversight and assurance across the SAR system, to take account of national and international obligations; to achieve clarity on roles, inter-relationships and responsibilities from the strategic, through tactical to operational levels; to develop a common approach to managing SAR incidents across the three domains; to set priorities, objectives and performance expectations; to measure performance at system level; and provide a sound and clear basis for continuous improvement.

The national search and rescue plan sets out more explicit governance, assurance and oversight roles across the search and rescue system. The plan resets a more strategic-focused national search and rescue committee with a leaner, more coherent set of subcommittees, including a search and rescue consultative committee and regulators', health and safety and aviation forums. The plan also sets out a clear description of the national search and rescue system including roles, inter-relationships and responsibilities.

The national SAR committee, NSARC, set up under the national SAR plan is a strategic level committee with oversight of the national SAR plan as a whole and covers all three SAR domains: maritime, aeronautical and land based. Its membership includes senior managers from the three SAR co-ordinators, the Coast Guard, the IAA and An Garda Síochána and their respective Departments, as well as senior representatives from supporting Departments and agencies. It meets at least three times per year and has an independent external chair. The NSARC gives strategic direction to the SAR system and has both a forward-looking remit to ensure investments in SAR are strategically sound and a review remit to examine performance, disseminate best practice and learn from experience.

A second deliverable was an implementation plan for the recommended model for a joint rescue co-ordination centre, JRCC. This is a special type of rescue co-ordination centre that is operated by personnel from the maritime rescue co-ordination centre and the aviation rescue co-ordination centre. This virtual JRCC is intended to capitalise on the strengths of the current model, minimising disruption and exploiting opportunities for enhanced technology, closer co-

operation and revised operating procedures, notably to address vulnerabilities identified in the existing model and provide for stronger oversight arrangements.

Significant progress has been made on the implementation of the new joint model. The Coast Guard and IAA have agreed a concept of operations and procedures manual, and this work has resulted in increased collaboration between the Irish Coast Guard, IRCG, and the aeronautical rescue co-ordination centre. Formal establishment is subject to the filling of newly established positions in the IRCG rescue co-ordination centre, following a Public Appointments Service process.

As an appendix to the national search and rescue plan, guidance is provided on the development of a common approach to managing search and rescue incidents across all three domains of land, maritime and aeronautical search and rescue, including the transition from search and rescue to search and recovery. This plan will be delivered on a phased basis to enable a managed and integrated approach to the development of the new search and rescue structures, along with the coherent development of memoranda of understanding and service level agreements between all relevant stakeholders.

Progress in delivering key aspects of the implementation plan has been good, with the majority of actions completed and the remainder on track for delivery in 2022. The actions include the first annual report of the national search and rescue committee on the national SAR plan, which was approved in July of last year. The second annual report will be presented shortly. The new or reformed structures envisaged by the national search and rescue plan are fully up and running. The national search and rescue committee meets at least three times per year. The national search and rescue consultative committee, which has a wide membership across all SAR providers, meets twice a year. A national SAR stakeholders forum takes place annually. The aviation forum meets on a quarterly basis.

One of the key innovations in the new NSP is the SAR assurance mechanism. This places an onus on all participants to provide annual assurance statements across key areas of performance and safety and risk management. Significant progress has been made on implementation of the new virtual joint rescue co-ordination centre. Clarity has been provided regarding roles and responsibilities and formal agreements are being finalised with all key stakeholders.

A mechanism has been formalised and tested for reviewing international SAR agreements. IRCG's standard operating procedures have undergone a major review and refresh. Key performance indicators for the national SAR plan have been developed by a dedicated key performance indicator, KPI, working group. Development of a new SAR assets register is under way. A new aviation training programme for IRCG staff provided by an IAA-approved training provider is ongoing and the ninth such course is currently taking place. In addition to IRCG staff, course participants include aeronautical rescue co-ordination centre, ARCC, staff and members of An Garda Síochána from the Garda air support unit.

The provision of an effective maritime search and rescue service is critical to Ireland as an island nation with a strong maritime sector. The sector depends on the reliability and professionalism of the Irish Coast Guard and all its component parts, including the Coast Guard aviation service, to offer a service which can deploy at a moment's notice to rescue people in distress and bring them to a place of safety. As mentioned earlier, in light of safety recommendations, the Coast Guard is building on its safety management system, which encompasses all aspects of its operations. The safety management system will be externally accredited to ISO 45001.

A review and revision of all relevant standard operating procedures and training of Coast Guard personnel was completed and these are updated on foot of incident reviews under the Coast Guard's continuous improvement regime. Training for personnel involved in decisions to launch Coast Guard helicopters is being provided to the Coast Guard by an authorised training organisation approved by the Irish Aviation Authority. Eight such courses have been held so far, encompassing 70 staff, and are ongoing. In regard to implementing a safety management system to ISO 45001, the Coast Guard is undergoing pre-certification audit, which will be completed by quarter 1 of 2022.

The Coast Guard is also implementing a range of measures that represent a SAR assurance system. This includes updating and renewing its memorandums of understanding, MOUs, with SAR co-ordinators and SAR facility providers. The vast majority of these MOUs have been completed. Work is ongoing with the remaining support organisations with which the Coast Guard has links. The AAIU report found a lack of clarity concerning oversight of search and rescue aviation operations. As I mentioned previously, the NSP sets out more clearly the roles and responsibilities regarding oversight.

The SAR review report also describes the measures undertaken by the IAA as the national aviation regulator to address recommendations arising from the AQE review of search and rescue aviation oversight, which are clearly relevant to those aspects of the AAIU's report. The role of the IAA concerning search and rescue covers the aviation safety regulation and oversight of search and rescue operations performed by air, the operator and the aircraft, as well as oversight and operational responsibility for search and rescue aviation co-ordination centres and sub-centres. At the time of the R116 accident, as is the case today, the IAA exercised safety oversight of the search and rescue operator through its air operator certificate and a national search and rescue approval. The air operator certificate allows an operator to perform specific operations of commercial air transport. The national search and rescue approval provides for alleviation or exemptions that are necessary to operate outside the requirements used to conduct commercial air transport, without which some of the search and rescue operations would not be possible. There are safety cases for all exemptions and these are reviewed by the IAA yearly.

We continue to enhance the legislative framework for the regulation of Coast Guard aviation activities. The IAA has developed a revised set of regulations and detailed rules specific to search and rescue, which are being considered by the Department and the Coast Guard. I am out of time.

An Cathaoirleach: The Minister of State can continue. It is important we hear it all because people will respond to her remarks.

Deputy Hildegard Naughton: The Air Navigation and Transport Bill 2020 provides for further enhancement and strengthening of this framework. It underpins the IAA's role in oversight of Coast Guard aviation activities generally but also aligns this regulatory oversight activity by the IAA with European aviation safety regulations. Further alignment with European aviation safety regulations is planned by exercising the option in Regulation 2018/1139 on common rules in the field of civil aviation, the European Union Aviation Safety Agency, EASA, regulation, to apply certain elements of it to Coast Guard search and rescue aviation activities, which are currently outside the EU regulations. The opting in to the European regulatory framework for search and rescue is one of the recommendations in the report.

Given that the aviation activities of the Coast Guard are not confined to search and rescue,

and to ensure consistency across the regulation and oversight of Coast Guard aviation activities, we will opt in to Coast Guard activities as well as search and rescue. This will ensure that whether Coast Guard aircraft and personnel are flying a search and rescue or non-search and rescue mission, specified elements of the basic regulation will apply. National primary legislation is required for this and the necessary provisions are in the Air Navigation and Transport Bill. In practice, the IAA already applies European commercial air transport standards and procedures to the majority of Coast Guard aviation activities. Exercising the option in Regulation 2018/1139 will formalise this and provide European oversight by EASA to the regulatory role of the IAA in search and rescue.

On regulatory oversight and responsibilities, it should be noted that wholesale reform of aviation regulation in Ireland, which will separate the regulatory and commercial functions of the IAA, is being advanced through the Air Navigation and Transport Bill 2020. The Bill has been passed by the Dáil and is currently before this House. All the necessary administrative arrangements are being made in preparation for the new arrangements.

This year, at the request of my Department and following the public tender process, the IAA engaged consultants, Bureau Veritas, to complete an independent review of the IAA role as national civil aviation regulator, addressing areas of regulation that are outside the EU regulatory framework. The scope of the review, agreed with the Department in advance, covered the full range of activities in respect of aircraft operations, airworthiness, licensing, aerodromes and air navigation services. I can report that the review found no gaps in the areas examined in respect of the provisions of the Irish Aviation Act 1993 and associated statutory instruments in meeting obligations in ICAO annexes. The IAA is also regularly audited by EASA and ICAO. The IAA performs strongly in safety regulation within the European and global regulatory framework.

I record my thanks to the AAIU for its report, which comes after a long period of investigation and deliberation. I accept its recommendations, addressed to the Minister, and I and my officials will accord the report the time and consideration it deserves in the coming weeks. I am confident that measures taken to date since receipt of the final draft report in 2019 by my Department will strengthen the safe conduct of search and rescue operations. Uppermost in our thoughts right now are the crew of R116 and their families and loved ones. We must all ensure the findings and recommendations set out in this report of the investigation are fully implemented to prevent similar accidents occurring in the future.

Senator Gerard P. Craughwell: I welcome the Minister of State to the House. In his speech to the Dáil last evening, the Minister, Deputy Ryan, should have clearly and unambiguously informed the House that there is no Act of the Oireachtas on the Statue Book giving legal responsibility for Irish SAR to the Irish Aviation Authority. I will say that again: today, as I speak, the IAA is not legally responsible for Irish SAR. This is a jaw-dropping scandal of monumental proportions. It is distressing to have to address this House on the tragic loss of Rescue 116 and her four valiant crew members - Dara Fitzpatrick, Mark Duffy, Ciarán Smith and Paul Ormsby - at Blackrock Island in 2017. I offer my condolences to their families and call on those close to them to ensure they get legal advice for whichever jurisdiction they deem best.

It is a tragedy, but one that should have been avoided long before the helicopter took to the sky. The litany of abysmal failures by Ministers and senior civil servants at the Department of Transport, the Irish Coast Guard, the Irish Aviation Authority and, most especially, the operator CHC Ireland DAC, have had grave and unacceptable ramifications.

4 o'clock Those who held a ministerial brief in respect of or had a management role in these organisations, especially since 2010, need to reflect honestly on their respective records.

CHC must not be allowed to tender for any part of the next SAR contract. The current procurement process must be halted in light of the report, and we must have some part of the next contract provided by our sovereign service, the Irish Air Corps. The Department of Transport has failed and, incredibly, continues this very day to fail to legislate and legally assign responsibility for SAR regulation and operational safety to the appropriate Irish entity, namely, the IAA. The group that produced the 2010 report on constructing a future Irish airborne SAR service, chaired by the then head of the Irish Coast Guard, Mr. Chris Reynolds, sensibly recommended that the IAA legally oversee SAR safety and operations. In 2014, the IAA, acting on its own initiative, published a notice regarding SAR safety and operations; however, the notice had no legal import as the Department of Transport had failed to legislate to give legal responsibility for SAR oversight to the IAA. Eleven years later, and with four lives lost, the Department has still not given legal responsibility to the IAA. That is astonishing, reckless and barely believable.

The Air Navigation and Transport Bill that is currently before the Oireachtas will, if passed, finally give legal certainty to the IAA in respect of overseeing SAR operations. Incredibly, no Opposition amendments to the Bill will be accepted by the Government. These are amendments recommended by the pilots.

Ireland is a founding member of the UN International Civil Aviation Organization. For many years, Ireland has led innovations in civil aviation, with the development of the aircraft-leasing sector and the low-cost airline industry, thereby democratising air travel for all. The R116 report casts a dark shadow over these achievements, highlighting a catalogue of errors, omissions, faulty communications procedures, substandard navigation route designs, the use of maps that are not fit for the purpose for which they are being used and a continuing lacuna in the law, meaning there is no entity with legal oversight for Irish SAR services.

The R116 disaster was preventable and SAR crews, their families and the citizens of Ireland have been failed. R116 should not have been out on the ill-fated night, tasked with providing top-cover air communications. These are most effectively provided by fixed-wing aircraft because of their greater communication range. At the time of the disaster, reckless Government policy had resulted in the inability of the Air Corps to provide fixed-wing top cover on a 24-7 basis due to a pilot shortage. The Air Corps was then officially only able to provide fixed-wing top cover on an as-available basis. In 2015 and 2016, respectively, boards convened by the Department of Defence recommended a retention policy with financial incentives for Air Corps pilots to remain in State service. The reports were left gathering dust and the Air Corps pilot shortage continued. Since the R116 tragedy, a proper pilot retention policy was put in place in the Air Corps. It has been a success but still has some way to go. Let us join the dots. If in 2015 and 2016 boards' recommendations on Air Corps pilot retention had been acted upon, we would have had 24-7 fixed-wing capability. Most probably, it would have been in place in 2017 and R116 would not have had to take on its fateful mission.

Ireland is one of only two European countries that have privatised the SAR service. The other is the UK. Unlike Ireland, however, the UK has substantial sovereign SAR capability in both helicopters and fixed-wing aircraft via the Royal Air Force. Ireland has failed to resource properly its Air Corps with aircraft and personnel to retain appropriate sovereign capability. All responsible states retain sovereign SAR capability in case of the loss of a privatised SAR

service due to industrial action and in the unlikely event that an entire fleet of aircraft will be grounded for technical reasons.

Ireland has recklessly allowed its Air Corps to be under-resourced in terms of aircraft and crews despite countless warnings about this folly. In 2011, the £6 billion sterling UK SAR bidding process was halted when a scandal broke. An inquiry during the bidding process revealed that there was widespread insider trading of a kind. An official in the Ministry was leaking information on the bidding to one company. That company was CHC, which was then the preferred bidder in the UK but which was ultimately removed from the process. Incredibly, almost at the same time, CHC was fortunate to find a home for its aircraft, having been awarded a ten-year contract in Irish SAR by the Irish Department of Transport for the Irish Coast Guard. With the rich financial pickings, not alone was CHC rewarded with a ten-year contract for the SAR service but it could extend that contract for up to a further three years, leading to an estimated cost of some €1 billion.

Now we come to the real nub of the problem: neither the Department of Transport nor the Irish Coast Guard has any aviation expertise. To overcome the deficit, what do they do? They contract in UK-based aviation SAR consultants. A number of examples will shock even those who are not already shocked. After the R116 tragedy, and after the draft final report was published, a review body was set up by the Department and a UK expert was appointed to it. Guess what: within a short period, that expert had to resign because of an identified conflict of interest. Who vetted his appointment?

Another example from after the R116 tragedy concerns where the Department of Transport awarded a tender to another UK-based company, Aerossurance, to advise on aviation compliance. It was a one-man operation that, when contracted by the Department, had a turnover in the previous year of £40,000 sterling and only one continuing contract. Most incredibly, after the R116 tragedy, the Department decided to recruit an aviation manager for the Irish Coast Guard. This competition had an application closing date of Thursday, 3 December 2020, one year ago. Guess what: the position remains unfilled to this day.

The pre-procurement process for the next ten-year SAR contract had been ongoing for some time. The Department contracted KPMG to produce a business case for the proposed contract. Astonishingly, KPMG had no suitable internal aviation expertise in this space. Therefore, what did it do? It contracted a UK-based company called Frazer-Nash to be its aviation adviser. Guess what: Frazer-Nash, at the time of the contract, was owned by an aviation company called Babcock, a likely bidder for the Irish upcoming ten-year contract. Did Frazer-Nash and KPMG recommend, in the business case, the Department of Transport and the Irish Coast Guard for the next SAR contract? Did they recommend that the Air Corps be excluded from any part of the helicopter element of the next SAR contract — even the east coast helicopter SAR service, which the Air Corps can easily deliver with State-owned assets and State-paid crews from Baldonnell? After all, why would Frazer-Nash and KPMG not make such a recommendation? I am referring to more gravy for the boys and girls in the UK-based aviation companies and to milking the Irish Exchequer with substandard equipment and outputs this past ten years. This is continuing. Awarding Irish SAR delivery solely to the UK-based clubby boys I have just referred to, the private operators, continues the gravy train for them and degrades sovereign Air Corps capability. The business case produced by KPMG and Frazer-Nash for the Department has not been published, for reasons that are entirely spurious and suspicious. In the public interest, it must be published before any formal tendering process for the next ten-year contract begins.

The Irish Coast Guard has recently come to further unwelcome attention in reports by the Comptroller and Auditor General and the Committee of Public Accounts. The real culprit is not the Coast Guard; it is the Department of Transport itself. First, it was revealed that the State paid €7.5 million in 2013 to retrofit the cockpits of CHC's helicopters to make them night-vision-goggle compatible. In addition, the State bought night-vision goggles and ancillary night-vision equipment, along with providing a budget for the conversion and training of CHC pilots for night-vision operation. The training has not yet been completed; however, this all started back in 2013. To date, the training has not been completed.

In the AAIU report on R116, frequent reference is made to Captain Dara Fitzpatrick, her co-pilot, Captain Mark Duffy, and other pilots commenting on the poor state of cockpit lighting in the Sikorsky S-92 CHC helicopters. Who carried out the retrofitting of the Sikorsky S-92 cockpits paid for by the State? Could the retrofitting of the cockpits explain the poor lighting? Has this been examined? Is there a requirement for a switch in the cockpit that can turn night-vision capability on and off? Who certifies the equipment as operational?

Delivery of SAR in Ireland solely by private operators needs to end for sound operational reasons. An east coast SAR service and fixed-wing top cover must be provided by the sovereign Irish State Air Corps. We need to go back and rethink everything about the current process. It is deeply flawed.

Senator Regina Doherty: On 14 March 2017, Dara Fitzpatrick, Mark Duffy, Ciarán Smith and Paul Ormsby went to work and never came home. While we are here talking about reports and 71 recommendations, which I will get to in a second, the families of those four people, who did nothing every single day of their working lives but try to keep us safe, are dealing with grief beyond imagination. They are the people who have to go to funerals and we are the people who have to browse reports and recommendations. Some of those families, as the House is well aware, do not even have graves to go to, yet today we will mince words about what we have and have not done, who was and was not responsible before 2017 and how great we are because of what we have done since. The recommendations, however, point to multiple major flaws in probably every aspect facing the search team that night. What is really difficult for the families is subsequently knowing there was not even a need for Rescue 116 to leave Dublin that night and head to Blackrock.

We knew from the interim reports what some of the 71 recommendations would be. We have a responsibility to the legacy of those people who lost their lives that day. We are all well aware, because of the mapping situation, that the four lives that were lost are not the only lives that were lost in these tragic circumstances because of the OSI maps. I have to read out some of the most incredible recommendations from the report. Regarding the aeronautical charts, "Euronav imagery did not extend as far as Black Rock". The report states that the OSI imagery available on the Toughbook did not show Blackrock lighthouse or any of the terrain surrounding it at all in the open water vicinity of where the crew were flying. Blackrock was not identified on their radar. Blackrock was not even in the EGPWS database. The Minister of State said the State's response is to make sure we have appropriate maps for the pilots and winch crews who go up every single day as part of our search and rescue teams and all aviation operators in this country. They do not want appropriate maps; they would love accurate maps. That would be a very good start. Given the trauma the staff who work in the OSI have suffered in recent years, it is an absolute disgrace that the IAA is not taking responsibility for its part in respect of the maps.

Oversight will centre my thoughts and my views on the IAA, the Coast Guard and, unfortunately, the Department. I take no pleasure in any of this, and most of it happened long before the Minister of State and the Minister, Deputy Eamon Ryan, ever even arrived in the Department.

The then Department of Transport, Tourism and Sport and the IRCG stated that neither of them had aviation expertise or search and rescue expertise, yet they are the Department and the regulator responsible for making sure that the activities of all our pilots are safe and monitored. I cannot think of anything more damning than to be told that the people who are responsible for making sure that our pilots are safe do not, did not then and still do not now have expertise in search and rescue and aviation regulation. As early as about a month ago, the Minister of State's colleague, the Minister, Deputy Eamon Ryan, received a letter asking for a working group to be established between the IAA, which said it did not even know it had responsibility for search and rescue when Rescue 116 crashed with the tragic loss of lives. As recently as a number of weeks ago, however, it was asked to set up a working group in order that it could share the information, or lack of expertise, between the sea, the Coast Guards, the operators - and whoever that will be after the next tender is irrelevant to me - and the Department of Transport. The Minister has not even acknowledged the letter, let alone taken seriously the deficit that still exists arising from the recommendations of the report issued last week.

Senator Craughwell is right that we have a real opportunity to respond to the legacy of the lives of the four people who lost their lives in March 2017 by looking at the aviation Bill currently going through the House. For the past 18 years, while the IAA has been in operation, we have had what I can only suggest to the Minister of State is light-touch regulation. The legislation in front of us will continue to do exactly the same on the basis that the regulator wants to be able to do what it needs to do to mend a relationship that has been fundamentally broken between the pilots in this country and the people recommending regulations for those pilots. Our pilots are crying out for more regulation, more transparency and more co-operation, and the Department and the IAA are saying, "No, thanks. We do not need that." If there is a lesson we need to learn from this fundamentally important report, while the families of these people are still grieving, it is that we can show them that we have taken the recommendations seriously by changing the legislation in the coming weeks and reinforcing in primary legislation the responsibilities, the transparency and the directions of the Department, which does not have the expertise to govern and regulate aviation. It needs the people who are supposed to have the expertise and the oversight for regulation, which is the IAA, to give it very clear directions in primary legislation to establish peer support groups and biannual forum reviews in order that we can share information, learn and make sure that mistakes never happen again and that there is transparency and audits. Our aviation companies are now regulated by this new regulator from a safety perspective. We must ensure that we have sharing and an even playing field in how they are audited, how crew fatigue is managed and how mental health issues are co-ordinated and addressed.

I am sorry. I have gone well over my time but I feel incredibly passionate about this. We have thousands of pilots and air crew who go up and take their lives in their hands to make sure we are safe when we go travelling on business or for holidays or pleasure. We cannot as a State even assure and give them the transparency they are crying out for in the regulation of their safety and, ultimately, ours.

Senator Vincent P. Martin: The Minister of State is very welcome to the House. "These things we do that others may live." "That others may live" is the closing line in the para rescue

creed. This creed has been adopted as a motto by many search and rescue organisations around the world. I wish to start my contribution on behalf of the Green Party - An Comhaontas Glas by commending all those in the Coast Guard and all services who risk their lives daily in order that others may live. We remember and commend the bravery of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Paul Ormsby and winchman Ciarán Smith, who tragically lost their lives off the Mayo coast on that fateful night in 2017. Their families and loved ones are foremost in our thoughts today, and I commend the Cathaoirleach on the way he opened these statements and the Minister of State's genuine, sensitive remarks. In my thoughts today are also the family and loved ones of Coast Guard volunteer Caitriona Lucas, who died tragically a number of months before her colleagues, in 2016, and Air Corps members Captain Dave O'Flaherty, Captain Michael Baker, Sergeant Paddy Mooney and Corporal Niall Byrne, who died on a similar rescue mission in 1999.

Air accident reports do not assign fault or blame. That is not the purpose of the process. They do provide a factual timeline of the event, critically analyse operating practices, highlight possible contributory factors to an accident and make recommendations for safer practices in the future. I commend our national broadcaster on the way it extrapolated and analysed this report and made it easy to follow and accessible for all. Many have such serious concerns about this issue. The AAIU report into the crash of Rescue 116 is deeply troubling and highlights a number of serious systemic failures by the State, the Coast Guard and the private helicopter operator. Reading this report and the reports into the 2016 and the 1999 accidents, I wonder whether we are learning the lessons of previous tragedies and whether the State is exhausting all its professional responsibilities and taking the matter with the 110% seriousness, the utmost seriousness, that it merits.

Ireland's search and rescue system is derived from the Government's adherence to a number of international conventions. These conventions impose obligations on the State to ensure that the necessary arrangements are in place for the rescue of person in distress. Thus, search and rescue is a recognised State responsibility. In all cases, the sole tasking agency for operational missions is a State agency and all operational missions are completed on behalf of the State. While the State has decided to outsource service provision to a private helicopter company, it cannot abdicate its responsibility to those in distress and the brave men and women who provide the service.

The AAIU report concludes that neither the Department of Transport nor the Irish Coast Guard had aviation expertise available and thus lacked the proper capacity to act as intelligent customers in respect of contracted private helicopter operations and auditing. The report also concludes that there was also confusion at State level with regard to responsibility for the oversight of search and rescue operations in Ireland. How is it possible that the State outsourced a vital life-saving service and lacked the ability to act as intelligent customer? The State has long-established aviation expertise in the Department of Defence and the Air Corps, but this was never availed of. Where the State already has an agency with this experience, why were personnel from Air Corps not seconded or transferred to the Irish Coast Guard to provide assistance? I wonder if the State would be better served in having the Irish Coast Guard functions moved to the Department of Defence and all State aviation services managed within one Department.

Senator Mark Wall: Hear, hear.

Senator Vincent P. Martin: It would be a safer way forward. If that could be the outcome

of this, it would give some comfort in terms of this awful tragedy.

The mission of Rescue 116 on that night was to provide top cover for another helicopter that had been tasked with airlifting a casualty from a fishing vessel. Traditionally, top cover missions have been provided by long range aeroplanes that have greater endurance than rescue helicopters. The role of top cover aircraft is critically dependent on it having significantly greater endurance than rescue helicopter. In the years running up to the loss of Rescue 116, the Air Corps was regularly unable to provide aeroplanes and the Irish Coast Guard and so the private operator decide to initiate a process whereby other helicopters would fulfil this role. The AAIU report clearly questions the efficiency of this approach. The question that must be asked is why the State allowed this approach to proceed. We must ask ourselves why the State allowed a situation to develop whereby the Air Corps was in such crisis it could not regularly provide aeroplanes to assist the Irish Coast Guard.

At the time of the accident, the Irish Coast Guard did not have a safety management system. There were also serious and important weaknesses with aspects of the private helicopter company's safety management system, including in regard to safety reporting, safety meetings and its safety database. How did the State allow this to go unchecked? How could the Irish Coast Guard, the Department of Transport and the Irish Aviation Authority have allowed this situation to arise and continue without correction?

Many questions arise on foot of this report. I can only conclude that the State has been planning, developing and regulating different State aviation services in silos. This must end now. We must do better. We need to learn in a tangible way from tragedies such as that we are discussing. We need a whole-of-government approach to the provision of State aviation services, with a clear regulatory framework. We owe it to our citizens, those who end up in distress and the dedicated responders in our rescue services to ensure that these services are planned, co-ordinated and tasked in a competent and effective manner and that oversight and regulation are robust and proactive. These things we do in order that others may live.

Earlier today, An Taoiseach addressed the Seanad and made reference to the Upper House being a place for independent commentary and constructive criticism, and being less partisan than the Lower House. I commend the Leader, Senator Doherty, on her comments despite being affiliated to a party in government. Long may it continue that in the Seanad, we call things as they are. We take no pleasure in doing so. As stated by Senator Doherty, it is not a direct criticism of the Minister of State, Deputy Hildegard Naughten. These are systemic failures that were there long before she took office. We are here to support her and her colleagues in trying to make things better. She can be assured of our support.

Acting Chairperson (Senator Fintan Warfield): I thank Senator Martin for his comments. The next speaker is Senator Horkan, who is sharing time with Senator McGreehan. Is that agreed? Agreed.

Senator Gerry Horkan: I thank the Minister of State for her comprehensive, almost 20-minute, contribution. Senator Craughwell has a great deal of experience in the area of defence and the Air Corps, and in regard to this particular incident. At a meeting of the Joint Committee of Transport this morning, we spent a great deal of time discussing the Irish Coast Guard in general, as well as other issues. We barely touched on the issue of the R116, but it was mentioned.

I want to put on record my perspective and that of the Fianna Fáil Party regarding the tragic accident that claimed the lives of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby on 14 March 2017, at which time I was a new Senator in this House. These individuals were dedicated, all day every day of their working lives, to saving other people's lives. What happened was an enormously traumatic event not only for the nation, but for the four families, friends and work colleagues, their lives were changed forever by a needless accident that we are now, unfortunately, calling an organisational accident, as if it was a slip on the stairs. I do not mean that against the Minister of State. It is about much more than that. It is about real families. Dara Fitzpatrick grew up in Dublin. Her family live in Kiltarnan, where I went to pay my condolences to her father, whom I know. She was there on 17 March 2016, St. Patrick's Day. It was shocking to be there after the incident happened. It was all so needless. As a Parliament, we owe it to the families to ensure that something like this never happens again. More than anything else, that is what I want to get across today. There is no point in my repeating all that has been said by the Minister of State and Senators Craughwell, Doherty and Martin. We must make sure that every recommendation is implemented in a timely fashion. There is no point in my repeating exactly what happened and the 71 failures in terms of what happened.

As a State with have great expertise in aviation. An Irish person leads one of the world's largest low cost carriers, an Irish person leads IATA and an Irish person leading British Airways. Half of all the aircraft in the world that are leased are based out of this jurisdiction. How could this have happened? It was the most basic stuff that went wrong, such as structures not being identified on maps. We built lighthouses hundreds of years ago around the coast to let people know where there were rocks, but the crew of this mission did not know where this structure was. It was traumatising for all of us to learn of what happened at the time. Two of the families never even got closure in terms of getting their loved ones back, being able to bury them and having a grave to visit. That makes the situation even more difficult for those families.

As has been stated already, nobody is blaming the Minister of State. I hope she knows that. The report states that the actions of the crew were not a factor in the crash. It is important to highlight that there is no ambiguity there; it was not their fault. There were many people at fault in many different ways. It is a pity that R116 was called out because, as Senator Doherty stated, it really did not need to be there at all. It is a pity they were called out when, as Senator Doherty said, they did not really need to be there at all. People can be called out and something happens but the fact is that the most basic objects that should have been on the map as a danger to aviation were not on those maps. I cannot comprehend that most basic of facts. Somebody implemented these systems and loaded them but did not check the detail of what was clearly known to everybody. Anybody who had been there knew of these physical features. It is a traumatic case.

From my perspective and that of my party, I know we will help the Minister of State. As a Member in a party of the Government, I will certainly help her in any way I can but it is not about me. It is about the Government, the Cabinet, the Department of Transport, the Irish Aviation Authority, the Coast Guard and everyone dealing with this in the most immediate and timely way. We must ensure that nobody flying at any stage is again in a position where he or she literally does not know exactly what is being flown into. That should never happen again.

Senator Erin McGreehan: The Minister of State is very welcome for what is an incredibly important debate. Not only is it about recognising the lives lost and grieving families but it is also important so the Government can listen and implement all the recommendations. We must

listen to the expertise in this House as well, as Members have clearly highlighted and articulated some really valid points. We must create a legacy from this so it does not happen again.

I want to remember the individuals who died in this tragic accident. The crew members were Captain Dara Fitzpatrick, Captain Mark Duffy, Mr. Ciarán Smith and Mr. Paul Ormsby. These are not just names but they are part of families. One can think of all the love their families are missing because of this incredible tragedy. These people were dedicated to saving our lives and died in the course of a rescue. I live in north Louth and often see these helicopters flying over the Cooley mountains and Carlingford Lough. We can hear a constant hum of a helicopter over our house and we might think about who they are saving today. We never really think somebody would have to rescue them. It is important that we acknowledge the incredible grief that this loss has caused families. For two families in particular, the Smiths and Ormsbys, the grief is absolutely compounded because no bodies were recovered.

It is so infuriating to see the series of outrageous mistakes that occurred. I am no expert but I read the report. There was a series of human and system errors and they must not happen again. Blackrock island was not even on the map and it is huge. If a child was drawing a map of the area, it would put it in. It is absolutely shocking. The main conclusion of the investigation unit is that this was an “organisational accident”, which is a really soft and nice term for something that was caused by major incompetence. It was a completely preventable tragedy, according to the Irish Air Line Pilots’ Association, IALPA. It is really upsetting as the report indicates operator manuals were inconsistent with some areas and did not provide sufficient detail of processes or procedures for the discharge of some safety-critical functions. It is a really damning report. It may not draw conclusions on who was wrong or right but it is really damning. I am glad the Department of Transport fully accepts these findings and recommendations. None of this is any good unless there is action and we can accept what people are saying. Changes are needed and unless we ensure we can listen to practitioners and experts, we will passively fly into another tragedy.

The State and systems clearly let down people. We let down families and the system let down those same families. We must fix this and ensure the families of the people who go to work every day, putting their lives at risk, can feel their loved ones are safe doing their job. These people are protecting us and we must put in place systems to protect them.

Senator Mark Wall: I also welcome the Minister of State and thank her for her comprehensive reply. As a previous Senator said, the reply extended to 20 minutes. It will take some time to examine it, as noted by Members in the Lower House last night. There is much contained in that statement given by the Minister of State. I welcome it but we should also take some time to digest it before coming back to discuss the matter even further, given the seriousness of what is before us today.

The R116 accident of 14 March 2017 was, without doubt, an appalling tragedy. Unfortunately, it claimed the lives of four of our front-line emergency personnel, to whom we all owe a great debt of gratitude. I take the opportunity afforded to me today to extend my heartfelt sympathy to the families, loved ones and friends of the pilot, Captain Dara Fitzpatrick; the co-pilot, Captain Mark Duffy; winch man Mr. Ciarán Smith; and winch operator, Mr. Paul Ormsby. It is also important to recognise and thank, as the Minister of State did, all those involved in the tremendous recovery effort in the days and weeks after the accident. It is vital we mention all those today, and as the Minister of State has said, many of them were friends of the people involved in the accident.

As noted by two of my colleagues and other Members, I sincerely hope the two families which have not received home their loved ones will eventually see them put in a resting place. I hope time will move quickly in allowing that to happen.

The report into the R116 crash in March 2017 was published earlier this month by the air accident investigation unit. As other Members said, I thank all those involved with compiling this important report for their time and efforts. The report includes detailed findings and 42 safety recommendations. I listened to statements in the Lower House last night and acknowledge the assertion from both the Minister of State today and the Minister for Transport last night that they totally accept the recommendations in the report. Of course, as indicated by a number of contributors last night, the Minister and Minister of State's acceptance of these recommendations is the right course of action. Even more important would be the announcement of the timeline for the implementation of these 42 recommendations.

I also acknowledge and will read into the record the response of the Irish Air Line Pilots' Association, given the importance of listening to those involved with the day-to-day operations of air travel in this country. I am sure the Minister of State agrees with that. IALPA is the representative body for professional pilots in Ireland, representing 1,200 pilot members. It states:

On 14 March, 2017, the crew of Rescue 116, Captain Dara Fitzpatrick, Captain Mark Duffy, Winch Operator Paul Ormsby, and Winchman Ciaran Smith lost their lives while participating in a rescue off the Mayo coast. This report shows that the loss of their lives was as needless as it was preventable. It is evident from media reporting that the final publication of the report corresponds with the AAIU interim and preliminary reports and makes it clear that the crew of R116 were exemplary in the performance of their assigned task. Their planning, response, teamwork and communication was exactly what would be expected from such a competent and seasoned crew on a flight led by such professional pilots. They were let down by a regulatory system which left them ill-equipped to do the vital work that same system tasked them with.

The report outlines a number of regulatory and systemic issues which conspired to put the crew in lethal danger. Prime amongst them was the provision of inaccurate and misleading chart and map data. All flight crew rely on the basic assumption that their maps and charts provide accurate data. Few flight crews could be more reliant on that assumption of accurate data than the crew of a rescue helicopter operating offshore in challenging conditions outside their normal home base, scrambled at short notice to launch a rescue in the middle of the night (00:45 am). They relied on the data production standards of Irish regulation to guarantee them correct information. They were let down.

IALPA President Evan Cullen described it as a fundamental betrayal: "As an airline pilot, if I take a flight from Dublin to Rome, I must navigate the Alps, and I expect one of two things from the Swiss authorities; tell me the height of the alps, or tell me they don't know the heights, so I had better avoid them. The one thing they cannot do, under any circumstances, ever, is tell me the wrong height or tell me the Alps are not there. In essence that is what the Irish State did to Dara, Mark, Paul and Ciaran. They approved information which said, 'you are safe', when the absolute opposite was the truth."

The report details failures in oversight, equipment requirements and maintenance and in resourcing for search and rescue. But it is the regulatory failure by the now defunct Irish Aviation Authority which is central to this accident. They set the standards for equipment,

for mapping and for oversight. They accepted standards which most, if not all, of their European peer authorities would not.

This tragic and unnecessary loss of life must not be allowed to happen again. IALPA is calling on the Government and Minister for Transport to institute an immediate review of the failures identified in this report and to bring forward concrete proposals to address each and every identified failure immediately.

I will take this opportunity to bring up a discussion we had in May of this year when my colleague raised the matter of the operation of SAR in Ireland. The SAR contract must again begin to include, as other Members have said, the Air Corps and Defence Forces. There must be a whole-of-government needs analysis of Ireland's air services. Along with many experts in this area, we believe that synergies can be made by incorporating a sovereign element in the forthcoming SAR contract. In the early 2000s, this country began to include a civilian provider, in addition to the Defence Forces, in providing the SAR contract. The military involvement in SAR ended in 2003. We in the Labour Party feel the time has now come to incorporate and involve the Defence Forces once again in the provision of search and rescue in this country. This would provide obvious benefits to the Defence Forces in building up its competence and assets. It would also ensure that the State is not beholden to one private operator and any unforeseen events that could result from that. The Government must recognise that the forthcoming SAR contract provides this country with an ideal opportunity to begin this process, which is long overdue.

A number of experts have come to the same initial conclusion when reading the report into this tragic accident. The loss of the lives of these brave crew members was as needless as it was preventable. For the families and their memories, an accident like this must never happen again. I urge the Minister for Transport and the Minister of State to ensure the Government puts in traceability and audits that the 42 recommendations in the final report recommend. We must also ensure that any publicly-awarded contract for search and rescue has all the necessary public and Oireachtas oversights that should be in place. Today is a day to remember but it is also a day never to forget.

Senator Jerry Buttimer: I welcome the Minister of State to the House. I offer my deepest sympathies and condolences to the families of Paul, Mark, Dara and Ciarán. They were brave citizens of our country who lost their lives in our service. They protected and saved lives. What a noble calling. Today at our committee, we heard that in this year alone, 121 lives have been saved by the Irish Coast Guard. Some 391 people were saved last year. In quarter 3 of this year, 1,089 incidents were responded to. The Coast Guard undertook 315 missions. The legacy we, as legislators, create for the crew of R116 must be the implementation of the recommendations contained in the final report of the Air Accident Investigation Unit. That is our duty. It is what we must do. In keeping with that, there must be a non-partisan debate around the whole role of the Coast Guard.

I have had the pleasure of meeting with men and women who serve. From my information, the crews of our Irish Coast Guard helicopters are the only emergency service workers who work 24-hour shifts, starting at 1 p.m. and finishing at the same time the following day. These are aviation professionals who work for 24 hours at a time. Shifts can regularly be extended for up to 30 hours. Coast Guard helicopter crews typically work three consecutive 24-hour shift periods over six days. That is 72 hours on duty. The IAA allowed that to be reduced to 51 hours and 45 minutes through a combination of half-time and quarter factoring, arbitrarily applying

the duty hours between 9 p.m. and 7.30 a.m. That has led to fatigue in our air crews. In reality, if duty hours were properly accounted for, the crews would be far in excess of the 2,000 hour EU working limit under the working time directive.

We have heard from many different stakeholder representatives about the whole issue of crews and the concerns of IALPA, the International Air Transport Association, IATA, and whoever else. They are concerned about the safety of their members. The key word that has come back is “fatigue”. What is the regulator doing about that? We have spoken in the course of this debate about the mapping system and the failure to identify the island. None of us, on behalf of the staff and crews, mentioned the hours they spend awake. That has been captured in the recommendations in the report we are debating. Recommendation 41 states:

The IAA should review the Operator’s 24-hour SAR shift pattern to ensure that it adequately accounts for concerns arising from published research on human performance; and that the Operator’s FRMS [fatigue risk management system] and SAR variation to Aeronautical Notice O.58 provide appropriate levels of safety and protection for crews.

We should look at the working time directive. We can have a debate about the Air Corps and the whole Coast Guard service level agreement another time. Tonight and today, it is about the men and women of R116, but it is also about the Coast Guard service. The overarching theme I took from our committee meeting today was about the protection of others and the saving of lives. We were Members of this House when the news came of the tragic death of those four Irishmen and Irishwomen. Their legacy and that of the Minister of State must be to ensure, insofar as we can, that we will never have to return to this debate. Senator Horkan was right in his remarks. It is not about a cold, calculated computer printout. These are human lives that were lost in saving other human lives. That is our duty.

I believe the Minister of State has the capacity to lead. She has done so thus far. I believe she is a compassionate and caring person who will drive change. We will work with her in that respect. Tonight and today, our debate is framed by the lives that have been tragically lost and the families who are grieving. They want us to act and I believe we will.

Senator Fintan Warfield: I welcome the Minister of State to the House. I join colleagues here and in the Lower House in expressing my deepest sympathies and those of Sinn Féin to the families, friends and colleagues of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby. The crew of Rescue 116 were fearless, selfless and dedicated to helping others in distress and in life-threatening circumstances. They were typical of the members and volunteers of the Irish Coast Guard and our emergency services. As we debate here today, our thoughts are with the families, friends and colleagues of those involved in the awful circumstances of that tragic mission.

I thank the members of the Air Accident Investigation Unit for their extensive report into the crash. The investigation was thorough, so too the report’s recommendations. The Minister has accepted the recommendations and that is important. It is more important that the Minister presents a timeline for when each of those 42 safety recommendations will be fully addressed and implemented, and how those organisations referred to in the report will also implement those recommendations relating to them. The recommendations require urgent attention and speedy implementation if we are to avoid the risk of another tragedy. Part of the implementation plan should include the Department or the Minister appearing before the Oireachtas Joint Committee on Transport to give an update on the plan.

The report's findings raised questions for the State, its agencies and the operator. One of the findings is very alarming. It states that there was confusion at State level regarding the responsibility for oversight and rescue operations. The Minister needs to ensure that this key finding has resolved the issue of confusion and there is now no confusion regarding responsibility for oversight. The report's comments about the aeronautical data, including maps, charts and imagery, available to the crew on that night are also striking. The Irish Air Line Pilots Association has said that the crew:

[...]relied on the data production standards of Irish regulation to guarantee them correct information. They were let down.

It is alarming, to say the least, that the report highlights documented concerns about absent aeronautical data some four years before the crash of R116 and that no action was taken to address these. I hope and expect that new and more effective procedures are now in place to pick up on issues and concerns as they arise and that they are rectified immediately. The report also highlights issues to do with the training of the crew and the comments of the family of Captain Dara Fitzpatrick reflect these concerns. The family has said the crew was not provided "with the safe operating procedures and training that they were entitled to expect."

This report provides the basis for ensuring that the correct lessons are learned and acted upon. It is not an opportunity to be missed. I know the Minister of State knows that. It is an opportunity to ensure that no other families will experience the heartbreak felt by the families of the crew of R116. I thank the Minister of State again for coming to the House this evening.

Senator Eugene Murphy: Cuirim fáilte roimh an Aire Stáit. Is lá brónach é sin do gach duine sa Teach seo. Is lá an-bhrónach é do na teaghlaigh freisin. I will take a few short moments to pay tribute to those people and their families. Once I saw this on the agenda last week, I wanted to do this because many people would expect me to. The Irish people have never forgotten this tragedy. When I go to towns like Castlerea and Ballaghaderreen in my own county, people still tell me they were out walking late that night and heard or saw that helicopter going overhead. That comment has been made to me on several occasions. I am sure it is a tragedy that the Fitzpatricks, the Duffys, the Smiths and the Ormsbys left behind will never come to terms with. There is never any closure for a family in situations like this. Nowadays, we often talk about people getting closure. As far as I am concerned, people do not get closure following tragedies such as this.

I welcome the Minister of State coming here and I welcome her statement. We now have the recommendations. Many Members have mentioned the many recommendations. I am not going to go through them again but, like others, I will say that it is really important that we implement all of them as quickly as possible. The Minister of State lives close enough to the sea in Galway. I visit areas by the sea quite a lot every year. She will know as well as I do that - by God - the Atlantic Ocean is vicious when it gets going. That is why we should have everything possible in place for those people. The shortcomings are there with regard to the rock itself and all of that. It really shows that, for an island country, we have not done enough to protect these people to the best of our ability. I hope that following this terrible tragedy and loss of life, we can rectify many of the existing issues and implement the recommendations as quickly as possible. Those people love their jobs. They are very committed and dedicated, as we all know. However, they work in very challenging environments a lot of the time.

I go walking by the sea in Galway and Mayo. I like going along on a windy day because it

is great for clearing the mind but, when doing so, people may suddenly spot a rescue helicopter and find themselves all of a sudden thinking of those people going out into the choppy oceans, perhaps to try to save somebody from a boat or somebody who went too far from the coastline and got in trouble. It is only then that people really reflect on how challenging everything is for them. It is really important that we provide the best conditions and put in place everything necessary in respect of safety. I will finish with that. I hope that we can rectify a number of issues that need to be rectified without delay.

Again, my thoughts are very much with the four families. It is particularly tough for two of the families, although it is tough for them all. I was involved with a voluntary choir, the Roscommon Solstice Choir, and we did a remembrance concert for them, close to the part of the sea where it happened but, of course, inland. There were members of each family present. It was a sad evening but uplifting in another way because what we did meant an awful lot to those families. I came away inspired because, despite all their grief, those people were so thankful for the hand of friendship and the evening of remembrance. We think of them in a very special way.

Minister of State at the Department of Transport (Deputy Hildegard Naughton): I sincerely thank the Senators for their contributions this afternoon. We all share the common goal of seeking to prevent similar accidents occurring in the future. The provision of an effective maritime search and rescue service is critical to Ireland as an island national with a strong maritime sector. The sector depends on the reliability and professionalism of the Irish Coast Guard and all of its component parts, including the Coast Guard aviation service, and on its ability to offer a service which can deploy at a moment's notice to rescue people in distress and bring them to a place of safety. Senators have clearly outlined that here this evening.

The national SAR plan is the key means by which we implement search and rescue policy in Ireland and the new national SAR plan is the baseline reference document for use by all search and rescue organisations in Ireland. It also promulgates the agreed method of co-ordination through which search and rescue operations are conducted in Ireland's search and rescue region. The new national SAR committee, the national SAR consultative committee and other structures, such as the SAR health and safety forum, provide a good framework to progress the co-ordination of the implementation of safety recommendations across all of the relevant bodies. Formalised meeting arrangements have also been established between the Coast Guard and the SAR aviation contractor to enable early identification of, and response to, safety issues, as highlighted. A safety interface arrangement has been agreed and this is overseen by a quarterly safety meeting.

The IAA has reviewed and fully accepts the recommendations addressed to it as the national aviation regulator. Many of these have already been implemented or are proceeding to full implementation. The IAA will be responding independently to the findings addressed to it. More broadly, in the overall context of improving safety in search and rescue operations, my officials have been engaging with the safety regulation division, SRD, of the IAA and the regulator himself. A team of technical experts within the SRD is examining in detail the report, each finding and each safety recommendation. The IAA will use its regulatory oversight role to examine the implementation of the wider recommendations and provide any necessary support. The IAA will continue to work with the European Commission and the European Union Aviation Safety Agency in the development of safety rules.

The Air Navigation and Transport Bill 2020 provides legislative underpinning for an even

more enhanced role for the IAA in terms of oversight of Coast Guard aviation activities. The new provisions provide clarity and strengthen the regulatory framework by ensuring that the IAA, in making regulations that apply to the Coast Guard, takes into consideration the public benefit of the activities of the Coast Guard, which are very different in nature from commercial air transport activities, and consults with the Coast Guard, as is good practice. The provisions further provide that, in making regulations, the IAA must align them with certain elements of European aviation safety regulations that are appropriate and relevant to Coast Guard aviation activities. In conjunction with the provisions of the Air Navigation and Transport Bill, secondary legislation is being prepared by the IAA to provide further operational clarity to operators of search and rescue. The IAA has developed a revised set of regulations and detailed rules specific to search and rescue that are currently being considered by the Department and the Coast Guard.

5 o'clock The Irish national search and rescue rules are being developed to assist operational search and rescue stakeholders in determining the appropriate procedures, operations and manual guidance to operate civil search and rescue helicopters in Ireland.

The Coast Guard has been operating and delivering an aviation search and rescue service for the past 30 years through a mix of private contractors and the military. The Coast Guard carries out regular audits of the aviation service provider to ensure compliance with contractual arrangements. The Coast Guard has in place a contract for the provision of helicopter aviation consultancy services. In addition to this, the Department has approved an aviation manager post in the Coast Guard. The successful candidate will have the requisite aviation knowledge, skills and experience and will manage the aviation contract and related operational and key safety issues. The Department and the Coast Guard are examining options to increase its in-house expertise on foot of the air accident investigation unit's recommendations.

Recognising the detailed complex and interconnected findings, conclusions and safety recommendations contained in the report, I would encourage Members to go to the report as the definitive source of information as to what contributed to the accident. It is unhelpful for findings to be inferred from the report that are not the findings of the investigation.

I have listened very carefully to the suggestions offered by Members on how we can further improve search and rescue operations, and while a detailed programme of change is under way in the Coast Guard, I will continue to reflect on ways of further improving governance, oversight and safety procedures to ensure Ireland can have a world-class rescue service. I thank the Senators for giving of their time.

An Cathaoirleach: I thank all Senators for their presence here today to discuss this report. I ask Members to be upstanding in memory of Captain Dara Fitzpatrick, Captain Mark Duffy, winchman Ciarán Smith and winch operator Paul Ormsby.

Members rose.

An Cathaoirleach: When is it proposed to sit again?

Senator Jerry Buttimer: Next Tuesday, 23 November 2021, at 12 noon.

The Seanad adjourned at 5.04 p.m. until 12 noon on Tuesday, 23 November 2021.