

DÁIL ÉIREANN

Dé Céadaoin, 24 Meitheamh 2020

Wednesday, 24 June 2020

Chuaigh an Ceann Comhairle i gceannas ar 9.30 a.m.

Paidir.

Prayer.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: In light of last week's tragic, untimely and unexpected death of Detective Garda Colm Horkan in Castlerea, it is considered appropriate that, with the agreement of the House, we would hear expressions of sympathy today. Is that agreed? Agreed. I ask Members to confine their remarks to three minutes.

Death of Garda Colm Horkan: Expressions of Sympathy

Minister for Justice and Equality (Deputy Charles Flanagan): There has been a national outpouring of both shock and grief in the days since the terrible loss of Detective Garda Colm Horkan, who gave his life serving the State and protecting the community. We have come to learn of the man so beloved of his family, his community and his Garda colleagues. As Minister for Justice and Equality, I convey again my deepest condolences to Colm's father, Marty, his sister and fellow public servant, Deirdre, his brothers, Aiden, Brendan, Dermot, and Pdraig, his wider family and friends, and all the women and men of An Garda Síochána who are heartbroken by his loss.

Detective Garda Horkan served with distinction for 24 years as a Garda member. He was a proud Mayo man. He was a talented stalwart of his local GAA club, Charlestown Sarsfields, since his earliest days playing there as a young boy. We have all heard his colleagues and friends describe him as a man of the highest integrity, a peacemaker, and a rock of sense and discretion who loved his job as a member of An Garda Síochána. Throughout his exemplary service, he embodied that grassroots ethos shared by the GAA and the Garda, namely, commitment to family, community and country. As the Garda Commissioner said this week, Detective Garda Horkan epitomised what all Garda members should strive to be.

The death of Detective Garda Horkan is an all too painful reminder of the personal risks that Garda members take while working to keep us safe. The women and men of An Garda

Síochána, in their everyday duty, put the welfare of others ahead of themselves as they work to shield us from harm and connect our communities. While grounded in our communities, they courageously take on the burden of standing between us and danger. It is to them that we turn in times of crisis, including during the current pandemic. Each of the 89 men on the Garda Roll of Honour died in the service of the State and for the people of Ireland. That is a debt that we can never fully repay but it is one that we will always remember.

When Colm Horkan passed out of Templemore in September 1995, his classmates included Detective Garda Adrian Donohoe, who was murdered while on duty in January 2013. Also passing out that day were Garda Eoin Fitzgerald and Garda Ambrose Fogarty, killed while on duty in separate road traffic accidents in 1998 and 1999. I know Colm's death has reignited painful memories for the tight-knit community of Castlerea of the killing of Detective Garda John Morley and Garda Henry Byrne just miles away in Ballaghaderreen 40 years ago. We remember them all too today as we reflect on Colm's tragic loss.

I know these statements cannot ease the pain that the Horkan family feel for their fallen son, brother, cousin and uncle, but I hope they can take some comfort in the obvious respect and admiration for Colm Horkan that we saw in Charlestown on Sunday. Detective Garda Colm Horkan lost his life doing a job that he loved as he was protecting and serving the community he loved. He represented the very best of An Garda Síochána and the best of us. We grieve for him and we will remember his brave life which ended far too soon. May he rest in peace.

Deputy Jim O'Callaghan: Ar mo shon féin agus ar son Fhianna Fáil déanaim comhbhrón le clann an Gharda Colm Horkan, a fuair bás an tseachtain seo caite nuair a bhí sé ag freastal ar an bpobal. Aithnímid sa Teach seo an tseirbhís a chuireann comhaltaí den Gharda Síochána ar fáil gach lá agus na priacail mhóra a bhíonn ann agus iad ag obair ar son an phobail agus ar son na tíre. Ní dhéanfar dearmad ar íobairt mhór an Gharda Colm Horkan agus táim ag smaoineamh ag an am seo ar a mhuintir, a chairde agus a chomhghleacaithe sa Gharda Síochána.

On my own behalf and on behalf of the Fianna Fáil Party, I express deepest sympathies and condolences to the family, friends and colleagues of the late Detective Garda Colm Horkan. Detective Garda Horkan gave his life defending our community as a member of An Garda Síochána. At a time when most people were sleeping safely in their beds, Detective Garda Horkan was out doing his job as a member of An Garda Síochána. It is very important that we remind ourselves that the job of a garda can be a very dangerous one and that is apparent from the tragic and brutal killing of Detective Garda Colm Horkan.

We can gain some courage and strength, however, from the fact that there is a fantastic relationship in this country between An Garda Síochána and members of the public. That was apparent when we saw the outpouring of grief around the country in the aftermath of Colm's death. That relationship distinguishes An Garda Síochána from police forces in other countries where they are regarded as law enforcement agencies. That is not the situation with An Garda Síochána. It is not viewed in this country as a law enforcement agency. Instead, it is viewed as a community police force providing community policing. That should be the testament and strong message that comes out of the grief we have all experienced in the aftermath of the death of Colm Horkan.

I did not know Colm Horkan, but I had the privilege of being at the Phoenix Park last Sunday for the funeral service relayed from Charlestown to the assembled gathering in the Phoenix Park. I emphasise again the strong sense of family among the members of An Garda Síochána

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who were grieving for the loss of their colleague. We can, however, gain comfort from the fact that Detective Garda Horkan's life was one that was very well lived. Although I did not meet him, from what people who knew him say, he was a fantastic person who served his country, community and police force well.

Deputy Martin Kenny: The news of the murder of Detective Garda Colm Horkan last Wednesday evening was met with shock, anger and sadness, not just in Roscommon but everywhere in Ireland. He was a highly respected officer and highly regarded member of the community. I did not know Detective Garda Horkan, but the outpouring of grief from those who did tells its own story. He was a decent man who was taken all too soon from those who loved him in the most dreadful of ways.

Colm Horkan was a dedicated member of An Garda Síochána. He has been praised for his extraordinary work in making Ireland a safer place for everyone in the community. Before joining An Garda Síochána, Colm was a firefighter here in Dublin. His colleagues in Dublin Fire Brigade remember him as a tireless and committed member of the team. It strikes me that Colm Horkan devoted his adult life to the service of others. We have all listened to the words of people who knew him well and they paint a picture of a man who loved life and genuinely cared for people. The people of the area of Roscommon who had him as their garda looking after them felt very privileged to have a man of his calibre looking after them in such a way. Detective Garda Horkan was a person who would walk the hard road with you and someone who would stand in your corner. He was a dedicated supporter of the GAA and was devoted to his beloved Mayo team and local club. He was an avid and passionate supporter of Liverpool Football Club as well, and a person who loved music, concerts and a good laugh.

These are only glimpses of Garda Horkan, snippets of his life which was tragically cut too short. His murder is a sorrowful reminder of the stark reality that members of An Garda Síochána go out to work every day knowing they will often meet danger and harm. Those who face these risks to protect the lives of others in the community do so in a very brave way. We should be very grateful to those, like Detective Garda Horkan, who do their jobs and do them well. Through the shock, sadness and outrage at this murder, one which has rightfully consumed the emotions of the nation, we cannot lose sight of the plain and simple humanity of the loss of a fine young man. A father has lost a cherished son and it was poignant that, on Father's Day, a father buried his son. I understand that Colm's sister was lost a couple of years ago; that family has met with great tragedy.

All of the people of the area understand that the Horkan family has been a part of the community in Charlestown for many years. I spoke to a colleague of mine from the area, Councillor Gerry Murray, who told me that the Horkan family had a pub across the road from him and ran businesses, including a taxi service, in the town for many years. Colm's father Marty is a loved member of the community and it must be acknowledged that Colm's death is a huge loss to him and to everyone in that community. The people of that area have lost a loyal friend, the Garda has lost a brave colleague and their immense pain is unimaginable.

Those who had Colm in their lives say that he would never let them down and no greater tribute can be paid to any man. On behalf of myself and Sinn Féin, I extend our deepest sympathies and condolences to Garda Horkan and his family. Our thoughts are with them all today.

Deputy Roderic O'Gorman: I join the other Members in paying tribute to Detective Garda Colm Horkan. His death reminds us that members of An Garda Síochána put themselves at

considerable risk every day to keep our communities safe. It is particularly poignant to note that three other gardaí from Detective Garda Horkan's graduating class - Detective Garda Adrian Donohoe, Garda Eoin Fitzgerald and Garda Ambrose Fogarty - have lost their lives in the line of duty.

In Ireland, we benefit greatly from having a police force who are focused on keeping our communities safe rather than the rigid law enforcement approach that is seen in many other countries. That approach is most clearly demonstrated by the unarmed nature of our police force. As Michael Staines, the first Garda Commissioner, stated, "The Garda Síochána will succeed not by force of arms or numbers, but on their moral authority as servants of the people."

Our gardaí face very real dangers as they undertake their work, whether dealing with highly-resourced and organised criminal gangs or facing seemingly random incidents of violence. The events that took place in Castlerea remind us all of the reality that members of An Garda Síochána face every single day.

Since his tragic death, the outpouring of grief from colleagues and the wider community in Roscommon and Mayo tells us of the type of man that Detective Garda Horkan was. The stories being told about him by friends and family have provided us with a picture of him as deeply embedded in his community, loyal to his friends and always conscious of his role in giving back to others. On behalf of the Green Party, I would like to extend our deepest sympathies to the family and friends of Detective Garda Horkan. May he rest in peace.

Deputy Ged Nash: On behalf of the Labour Party, I want to express my sincerest condolences to Detective Garda Horkan's father, all his family and his very wide circle of friends. His loss to his grieving family is simply incalculable. We send our deepest sympathies on the tragic loss of one of their own to the people of Charlestown in Mayo and Detective Garda Horkan's friends in the GAA.

We especially extend our sympathies to Detective Garda Horkan's colleagues in An Garda Síochána. When one member falls in the line of duty, it is felt by the entire force. This was apparent in the solemn and dignified way in which members of the force gathered from Donegal to Drogheda and beyond to pay their respects in their thousands on Sunday.

It was not only gardaí who lined up to pay personal tributes. People from all walks of life mourn Colm because of who he was, how he conducted himself and what he represented. From the tributes that were paid to him, he seemed to exemplify and embody everything that is good about An Garda Síochána and that a member should be. He was an integral part of his community and the first to put up his hand when something needed to be done. He had a civic spirit and pride in his place. He was decent and always prepared to put others first.

As the Minister and others have said, it is particularly poignant that Colm came through the same class as the late Adrian Donohoe, a brave member of An Garda Síochána who was cold-bloodedly killed in my constituency, outside Lordship credit union in 2013. It is also right that we remember the sacrifice made by Garda Fitzgerald and Garda Fogarty in 1998 and 1999, respectively. The two men were also classmates of the late Detective Garda Colm Horkan.

Detective Garda Horkan will live on in the memory of every serving member of An Garda Síochána, and in all of our memories. In that sense, as the anthem of his beloved Liverpool FC proclaims, he will never walk alone.

Deputy Catherine Murphy: On my own behalf and that of the Social Democrats, I want to express our sympathy with the family and friends of Detective Garda Colm Horkan and with his colleagues in An Garda Síochána. The reports of his life and work tell us something about the man that has resonated with everyone. From the reports, we can see that Detective Garda Horkan was a very dedicated member of the force and was very dedicated to his work. It was not just a job. Some professions have a vocational nature to them and that was very much how he lived his profession. Our streets and our community are the workplace of An Garda Síochána and were the workplace of Detective Garda Horkan. We cannot take that aspect of An Garda Síochána for granted. It is a very dangerous job and not many of us would want our brothers, sisters, son or daughter to put themselves in that kind of place of risk. However, we have a responsibility in this House, and I have talked to members of An Garda Síochána over the years who worry about, for example, having to respond to an incident on their own. We have to pay attention to making sure that the job is done in the safest way possible. That is an aspect we need to be considering very carefully.

Deputy Paul Murphy: On behalf of Solidarity-People Before Profit and on my own behalf, I would like to express our condolences and sympathy with Detective Garda Colm Horkan's family, friends and colleagues. Reading the reports of his funeral and the very many occasions that happened around the country, I was particularly struck by the words of his brother, Brendan Horkan, at his funeral. He painted a very human, warm picture of Colm. He said he was "kind, considerate, selfless and above all, loyal to the core. He was a rock in our family. The man that was the glue that held it all together." Our sympathies go out to all those who are grieving from this tragic loss.

Deputy Denis Naughten: I echo the comments of the Minister for Justice and Equality and colleagues here. On behalf of the Regional Group of Deputies, I express our heartfelt sympathy to Marty, Deirdre, Aiden, Brendan, Dermot, Pdraig and the extended Horkan family.

June in Castlerea Garda station would traditionally be ball hopping month – Connacht football hopping. Castlerea station services the crossroads of the football giants in Connacht - Galway, Mayo and Roscommon. Colm Horkan, who served 21 years as a garda in west Roscommon, would be in the thick of it. This year there is no football banter, every member of the force doing their bit to support people who were cocooning and remaining socially distant in an area of rural Ireland where people are physically and socially isolated at the best of times. The gardaí were a lifeline to the outside world during lockdown for so many. For recently promoted Detective Garda Colm Horkan, this would have been so very natural to him.

The Garda Commissioner said of Colm that he "epitomised what all of us as members of An Garda Síochána should strive to be". The former Mayo footballer John Casey said of him: "He was respected by everyone who knew him." He went on to point out that: "Colm is the fellow you would bring into the trenches with you." Not a bad attribute for a centre half forward. But this year in Castlerea there was no football banter. It was replaced instead with the shocked silence of last Thursday morning that reverberated right across this country, in fact right across the globe. Roscommon people from all over the world, from Canada to Australia, have contacted me. On behalf of the people of County Roscommon and on my own behalf, we say thank you to Colm, not for doing his job but for the manner in which he did it. That is the abiding commentary I have heard. For me, the tribute paid by a man who I hold in very high regard, retired Garda Sergeant John Hynes, says it all about Colm. His attention to detail was meticulous and the rights and needs of victims were paramount to him. Those attributes helped secure convictions and prevent further abuses of women and children across the west of Ireland. Some

of those abuses took up many hours of debate here in Dáil Éireann and led to important changes in the law. We have no idea of the countless lives that would have been destroyed were it not for the perseverance and dedication of Detective Garda Colm Horkan. Ar deis Dé go raibh a anam.

Deputy Mattie McGrath: I add the Rural Independent Group's voice to the outrage, disquiet and dismay at the sad and untimely passing of Detective Garda Horkan. The vox pops and reaction of people in the small town of Ballaghaderreen give a sense of loss and a feeling of "here we go again" 40 years on from the tragic and untimely deaths of Garda Henry Byrne and Detective Garda John Morley who were murdered 40 years ago. Preparations were being made to commemorate these two heroic fallen comrades. To think that this happened to a dedicated member of An Garda Síochána on a sleepy Tuesday night in a small rural town. We heard from Deputy Naughten and others who knew of Detective Garda Horkan's work in Roscommon - we will hear more from Deputy Fitzmaurice shortly - the everyday stories of how he mattered and how he dealt with his community. I heard retired Garda Sergeant John Hynes speak on RTÉ about him and the House will discuss domestic violence during the Covid crisis later. This is a timely reminder of how Detective Garda Horkan endeavoured to help so many families who were affected by that scourge. His death is a huge loss to his community, An Garda Síochána and the State.

I salute gardaí up and down the country. I acknowledge that dedicated community units have been re-established in Clonmel, Cahir and elsewhere. I ask that the Minister for Justice and Equality and his successor, whoever that may be - he may be sitting beside me - ensure that community Garda units are in place. They are the lifeblood of policing as no police force can function without the public's support. Ní neart go cur le chéile. It is so important that we have these community units, which have done Trojan work in this time of lockdown. They have regained for the Garda a huge amount of respect, which had diminished due to a lack of numbers and support. No garda should work alone. Gardaí do not know what call will come into the station or what they will confront on any street, around any corner or behind the door of any house. They need back-up and support. Too often in rural Ireland, members of the Garda are out on their own, which is not safe or wise. I salute all gardaí for the dedicated work they do to keep us safe so that we can sleep in our beds in the knowledge that they will respond. I express the sympathies of the Rural Independent Group to Detective Horkan's family, the Charlestown community and An Garda Síochána.

Deputy Michael Fitzmaurice: Last Sunday, we listened to the words of a priest in Castlerea as he spoke of how, when word came through that a garda had been shot, he had pitied whoever would have to deliver the news to the family the following morning. There is shock and numbness in the community, not alone in Castlerea and Charlestown but right around the country. To hear people talk about Detective Garda Colm Horkan, if a person was in a pub drinking, he would bring that person home. He was a commonsensical person and was not bound by the notebook; he worked with the community by bringing people with them. To his father, Marty, to his brothers, to his sister, and we also must remember his late mother and twin sister, I offer my condolences and those of communities right around this country. I have listened to many people referring both to his involvement in the GAA in Charleston and right around the community, where he talked to the elderly and where whatever he could do, he did. Now it is the community's turn because after a funeral comes a lull. After the time of the hustle and bustle of the few days when people have been sympathising passes, it is from then on that that family needs support. It is from now on that the Garda community, the Commissioner said this the other day, and the people of Charlestown and of the wider area need to stand by and

support that family.

I offer my condolences as well to the whole Garda community. We must remember Garda Byrne and Garda Morley who also lost their lives 40 years ago. It is poignant today that we stand up and salute Detective Garda Colm Horkan but we must remember that each garda who goes out on the front line never knows what is around the corner and we have to respect them. Our prayers and our thoughts are with the Horkan family and I ask people in that area to keep supporting them.

Deputy Frankie Feighan: I knew Detective Garda Colm Horkan. Like every other Garda, I respected him and was thankful to him and at all times believed, as Deputy O’Callaghan stated earlier, that they are of the community. We have a relationship with An Garda Síochána since the foundation of the State about which we must ask ourselves. Over the past number of years, I saw in both the Seanad and the Dáil that when the Garda whistleblowers and other matters came to the fore, politicians could not wait to get out and undermine the confidence and integrity of the Garda Síochána. I hope we will have some balance in this regard from now on. We cannot criticise without remembering that these are young men and women of our communities. We need to stand up at times and to protect them because they are protecting us. One has to ask oneself what has brought us to having somebody chasing down a garda down the street. It is perhaps a symptom in respect of politicians and commentators and we need to be measured. I am really angry that a young man has died. In the future we must choose our words carefully both here and in the media because we can undermine the confidence and integrity of those brave men and women. I offer my sympathies to Detective Garda Horkan’s family, his loved ones and the brave men and women colleagues of his in An Garda Síochána.

An Ceann Comhairle: Members have described an exceptionally fine and outstanding member of An Garda Síochána, a person who was the essence of what a policeman should be, someone who is a shining star for young recruits to emulate and who, outside his professional role, demonstrated himself to be a profoundly decent human being. Let us now be upstanding for a minute as a mark of respect.

Members rose.

An Ceann Comhairle: Ar dheis Dé go raibh a anam dílis.

Offences against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009: Motions

An Ceann Comhairle: We now move to Nos. 6 and 7, motion regarding Offences against the State (Amendment) Act 1998 and motion re the Criminal Justice (Amendment) Act 2009. In accordance with the Standing Order of the Dáil of Wednesday, 17 June, the first motion will be moved, the two motions will be discussed together, and then the two motions and any amendments thereto will be decided on separately. I call on the Minister for Justice and Equality, Deputy Charlie Flanagan, to move the first of the two motions.

Minister for Justice and Equality (Deputy Charles Flanagan): I move:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2020 and ending on 29th June, 2021.

The House will be aware that the Offences against the State (Amendment) Act 1998 was enacted in the wake of the murder of 29 people by the Real IRA in Omagh. Thankfully, through the efforts of the democratic people North and South of this island and, indeed, the ongoing watchfulness of An Garda Síochána and their colleagues in the PSNI, there has not been another tragedy since on the scale of Omagh. It nonetheless remains crucial that those who display utter contempt and disregard for the people of Ireland and who continue with their efforts at death and destruction, are given a clear statement that this behaviour will by no means be tolerated.

I want to address at the outset a number of amendments that have been put down by Members of this House. In that regard, I cannot accept that the information that is put before the House today is in any way insufficient for Deputies to reach a considered view on the continuation of these provisions.

Some Members of the House are concerned about the role of the Special Criminal Court in the justice process. However, none of us can be blind to the threat posed to the criminal justice process by individuals, by terrorists and organised criminal groups who seek daily to subvert the system through intimidation of citizens. I want to make it clear that I am not averse to a review of this legislation; indeed, far from it, as will become clear in the months ahead. In this regard, Deputies will be aware of the intensive work taking place to implement the recommendations of the Commission on the Future of Policing in Ireland. That root and branch blueprint for policing includes a comprehensive review of security legislation. I refer Deputies to Chapter 11 of that report. Work ongoing in my Department to bring forward that review of the offences against the State legislation will, of course, be part of that review, including the provisions that are before us today. In that regard, therefore, I ask Deputies to withdraw their amendments and support the motions before the House today in line with their valued and welcome support for the recommendations in the Commission on the Future of Policing in Ireland and the implementation of its ambitious vision for policing in this State.

Returning to the 1998 Act, I have laid a report before the House in relation to the operation of the relevant provisions to be renewed. This report also sets out a brief assessment of the security situation. That assessment shows the Garda assessment is that there remains a real and persistent threat from republican paramilitary organisations and groups on this island. We all know these dissidents are opposed to democracy and opposed to the rule of law. The ruthless and continuing attempts to murder and maim, such as the attempt earlier this year to smuggle a bomb onto a Belfast passenger ferry to co-incide with Brexit, demonstrates the scant regard for human life these people have. The cowardly attempts to intimidate journalists and politicians demonstrates their contempt for an open and free democracy.

In the previous year, there has been an increase in paramilitary shootings and attacks in Northern Ireland, including attempts to murder and maim members of the PSNI. The continuing discovery of arms caches, including recent finds in this jurisdiction such as that in Galway in April of this year, are stark reminders of their intent. We see the use of these provisions culminating in the most serious cases being brought before the Special Criminal Court.

The first conviction for directing terrorism under these provisions dates back to 2003, with the most recent in 2017. These are very significant cases involving those at the most senior

level in these organisations. In addition, in recent years there have been important convictions for membership of unlawful organisations where the court has been able to draw inferences using these provisions. The report before the Houses provides data showing that these provisions have been used 70 times in the period under review. In this period, the total number of people arrested under the provisions of the Offences Against the State Act 1939 is 146, of whom 40 were detained for offences contrary to the provisions of the 1998 Act. Seven convictions have been secured in the courts in the reporting period and a further 35 persons are awaiting trial. It is our duty to ensure that those tasked with protecting us from this threat, and who frequently risk their lives in doing so, have at their disposal the appropriate measures to meet it. The powers available under the 1998 Act are considered by An Garda Síochána as essential to maintaining preventative action against these terror groups. As such, I am advised by the Garda Commissioner that there is a clear need for the continuance of these provisions. I accept that advice.

In addition to the threat posed by domestic terrorists and the importance of countering that threat, it is important not to lose sight of the threat from international terrorism. While the 1998 Act was a strong response to our domestic troubles, its provisions form an essential element of the State's response to the threat of terrorism from any source. We have been particularly fortunate in Ireland to have been spared the kinds of attacks visited on our European partners. As an open democracy, however, we cannot consider ourselves immune from such threats, and in co-operation with our EU and international partners, we will continue to identify and respond to that threat. It is essential that the relevant provisions continue in force for a further 12 months to support the ongoing investigation and destruction of terrorist activity.

I turn to section 8 of the Criminal Justice (Amendment) Act 2009, which is also the subject of a motion before the House. The Act was a response to a number of difficulties that were being experienced where the entire justice system was considered to be under serious threat. At the time, An Garda Síochána was encountering difficulties in persuading people to give assistance in its investigations and there was significant evidence of intimidation of witnesses. The measures contained in the Act were designed to tilt the balance firmly in favour of the rule of law and of justice. In view of the real threat posed by organised crime, section 8 of the 2009 Act provides for a limited number of specific organised crime offences to be prosecuted in the Special Criminal Court, subject to the prerogative of the Director of Public Prosecutions to direct that offences be tried in the ordinary court. The ability to use the Special Criminal Court for a limited number of organised crime offences removes the possibility of jury tampering or the intimidation of jurors.

Our society greatly values trial by jury and must protect that value, but we cannot ignore the reality of organised crime and the threat it poses to the criminal justice process. There is, unfortunately, stark evidence of the willingness of these organisations to engage in murder, armed robbery, kidnapping, drug smuggling, counterfeiting and other serious offences. We are all aware that the reach of these groups is not limited to this State, nor are the efforts of the Garda, which works closely with a range of police and law enforcement bodies internationally. Some security risks, which in the past were mainly associated with subversive paramilitaries, are now also associated with criminal groups. In fact, there is ample evidence of inextricable links between those who engage in paramilitary activity and organised criminal gang activity.

It is also clear that age is no barrier to becoming a victim of their barbaric violence. The gruesome and cruel killing of a teenage boy earlier this year is stark evidence of their contempt and lack of humanity. That shocking act is a reminder, as if one is needed, of their ever increasing depravity. If criminals are prepared to take human life, they are quite prepared to subvert

the system of justice.

Accordingly, there is a necessity for legislation that anticipates this possibility to be firmly in place. That view is echoed by the views of An Garda Síochána, which are set out in the report before the House. I am, therefore, satisfied as Minister for Justice and Equality that section 8 of the Criminal Justice (Amendment) Act 2009 should continue in operation for a further 12 months. The existence of these provisions means those engaged in terrorist activity or involved in organised crime are aware the State remains resolute in its determination to use every lawful means to defeat them. I commend the motion to the House.

Deputy Jim O’Callaghan: I welcome the opportunity to speak in this important debate. Fianna Fáil will be supporting these motions. I welcome the Minister’s statement emphasising that there will be a review of security legislation. He said it is ongoing in his Department.

We need to examine the two items of legislation separately because they relate to more than simply the Special Criminal Court. Let us examine the 1998 legislation, introduced in the aftermath of the Omagh bombing. This House and the Seanad decided the provisions introduced in the Offences Against the State (Amendment) Act 1998 were of such considerable power that they should be renewed and reviewed annually by both Houses of the Oireachtas. The reason was the Oireachtas recognised at the time that these were considerable powers.

It is important to note, however, that the 12 sections that have to be reviewed each year are not all just about the creation of new offences. For instance, three of the sections under the 1998 legislation, sections 2, 3 and 4, are evidential provisions that make it easier to prosecute subversives before the courts. There are, however, a number of new offences provided in the 1998 legislation, such as sections 6, 7, 8, 9 and 12. Section 14 provides that those new offences under the 1998 Act are to be scheduled offences under Part V of the Offences Against the State Act 1939.

A good point made by persons who are concerned about the operation of the 1939 Act is that it is an anachronism and needs to be updated. There is some merit in that argument. The 1939 Act was enacted in June 1939 because of the then threat of a European war, which came to pass. In August 1939, the then Government made a declaration, under section 35 of the Act, that the ordinary courts were inadequate to deal with the administration of justice in certain instances. That declaration, which can be made under section 35, existed from August 1939 until after the Second World War, in 1946.

A second declaration was made by the Government in August 1972. It was made because of the violence in Northern Ireland and the troubles that existed on this island. There is validity to the point that this declaration, which has been in operation for the past 48 years, does not really reflect the threat from subversives that exists today but rather the historic threat that existed in the 1970s.

Fortunately, in this country, political violence and terrorism have reduced significantly. The Good Friday Agreement was a great achievement of all politicians in this country. It was also a great achievement of my party, if I can claim some ownership of it. Its effect was that political violence and terrorism on the island reduced considerably. One of the requirements of the Good Friday Agreement was that there would be a review of the Offences Against the State Act. A committee was established under the chairmanship of former Supreme Court judge Anthony Hederman to review it. That review took place in the aftermath of the horrific Omagh bomb-

ing, so it was not surprising that the committee recommended, by majority, that the provisions should remain as they are because of the significant threat that was posed to the State by subversive organisations.

Regrettably, I agree with the Minister that strong legislation is needed to deal with subversive organisations that are still in the country. We need to recall that Ms Lyra McKee was murdered not that long ago by dissident republicans. The threat that exists is evident from the report that has been presented by the Minister. He stated there were 146 arrests under the provisions of the Offences Against the State Act and that 40 of these arrests relate to provisions enacted in 1998. The Offences Against the State Act 1998 needs to remain in place but we need to examine and review the anachronistic provisions dating from 1972.

There can be no doubt that the greatest criminal threat currently posed to the people of this country is not from dissidents or international terrorism but rather gangland criminals who murder children and who used children from disadvantaged communities to promote their crimes and make vast amounts of money for themselves. It is for that reason that, back in 2009, the Oireachtas enacted the Criminal Justice (Amendment) Act 2009, which provides for four new offences to deal with gangland criminals. In particular, it provides that individuals can be prosecuted for directing or assisting gangland crime organisations. That legislation is extremely important and it must be kept in place. We can see from the report being put before the House by the Minister that there were 29 arrests under section 72 of the Act and 43 arrests under section 73.

The Garda Síochána has had great success in recent years in prosecuting gangland crime because of the powers that the Oireachtas provided in 2009. I would prefer if all crimes could be prosecuted in courts where juries would decide the outcome of serious criminal charges, but I recognise that we have a responsibility to ensure we do not put ordinary citizens from the electoral register, who make up the jury list, in a position where they would be exposed to a significant threat. If people do not believe me on that, I ask them to reflect on what Mr. Justice Peter Charleton and Mr. Paul Anthony McDermott stated in an article from 2000. They said it is expecting too much to expect citizens to sit on juries in gangland trials and face the prospect of intimidation or trickery.

I know very many well-intentioned people have asked whether we can introduce mechanisms whereby the jury would not be identified by the persons being prosecuted. That can be very difficult and can also give rise to potential miscarriages of justice. Any jury hearing a serious criminal trial must be assembled together and they must be in the same location as the judge. This is so the judge can effectively supervise the jury and ensure everybody is paying attention to the evidence. It is to ensure that if there is some sort of remote jury involvement, the members are not doing something else, which could lead to a miscarriage of justice.

The Special Criminal Court is still necessary in cases of gangland crime because it is so easy to identify and follow a juror. Going to the courts of criminal justice at 4.30 p.m. one would see people leaving the complex on their way home, and very many of them are jurors. It is easy to follow them and identify where they live. The crime of embracery is ancient but it is the crime of trying to nobble, corrupt or intimidate a jury. It happens, and I regret that we have seen in this jurisdiction that gangland criminals will murder children and journalists and intimidate witnesses. They will take any steps to ensure a criminal prosecution against them can be disturbed. It is for that reason we need to continue with the provisions of the Criminal Justice (Amendment) Act 2009.

It is important to point out that this is not an academic motion. The deadline for the continuation of the provisions is midnight on Monday, and if a resolution is not passed by the Seanad at that stage, the offences covered will no longer be in operation. That does not mean people who previously committed those offences cannot be held liable as they were offences at the time they committed them. However, it would unquestionably raise a question mark over any prosecutions pending before the Special Criminal Court pursuant to resolutions if no such resolution is made by the Seanad.

I have spoken to Deputy Martin Kenny and will listen with great interest to his speech. If it is the case that Sinn Féin will support these motions, it would be a significant and positive political development.

An Ceann Comhairle: Deputy Martin Kenny is sharing time with Deputy Daly.

Deputy Martin Kenny: I move amendment No. 3:

To insert the following after “ending on 29th June, 2021”:

“and

— further resolves that the Minister for Justice and Equality shall commission an independent, comprehensive review of the Act and the operation of our criminal courts to include the development of recommendations that would ensure our justice system is capable of effectively responding to the threat posed by international criminal and terrorist networks, abuse and fraud using the internet and organised criminal gangs, and that communities are kept safe.”

I had discussions with the Minister in the past week with regard to this motion and I acknowledge that he says now that he is prepared to look at the possibility of having a review of the Act. That is very welcome and it is something we want to see happen.

Deputy Charles Flanagan: I would actually do more than look at the possibility. We will have a review.

Deputy Martin Kenny: Fair play. The reality is that in the 21st century, we are in this House discussing this Act which, as Deputy O’Callaghan said, dates back to 1939 and the Second World War. The parts of the Act we are dealing with today, and the sections within it, concern issues that existed in 1998 and, prior to that, in 1972, which was a different Ireland. The last review of this Act took place almost 19 years ago, in 2001 and it was published in 2002. That review of the Act looked at the circumstances of that time, which are entirely different from the circumstances of today, and it was accepted that it needed to be continued. That was around the same time as the 9-11 attacks took place. In an international context we can see the way in which that event would have influenced the people who examined the Act. Indeed, Mr. Justice Hederman produced a minority report in which he stated that it was not appropriate to continue to have a special criminal court, which was a non-jury court, particularly with the level of international criticism it was receiving. That is still the case and it is something we still need to examine because we come into this House every year to review this Act and it becomes a situation where what was meant to be temporary legislation has become permanent by renewing it every year. That is not appropriate, and I believe the Minister would acknowledge that it is not appropriate and that we need to have sound legislation that does not require renewal every year. The fact that we are here talking about this on the brink of a deadline, which is 12

midnight next Monday, highlights the absurdity of this situation. It is something we need to deal with and if a review can deal with that, it needs to deal with it in the most comprehensive manner possible.

The failures of all of the legislation and all the issues around this are very clear when we consider the case of the young man from Dundalk who was found dismembered in this city. That shows that legislation does not deliver the kind of solutions we want. It did not deliver the solutions for parts of this city which was ravaged by heroin in the 1980s. It did not deliver when we had members of the Gilligan gang and many other crime gangs running their operations across this city. It still does not deliver for much of what we see today in terms of the crime drug wars taking place and all the feuding that is happening. We have to get into the real world and recognise that legislation is certainly required but it is not the overall solution to all of that. We need to have effective resources in place and we need to have the Garda properly resourced to allow it do deal with these situations. We must also recognise that in the 21st century, much of what is happening now is controlled internationally; it is not something which only happens here at a local level.

I accept that the Minister has said that there will be a review. I have a number of questions in that regard which I hope he will come back to later. Will it be an independent review? Does he envisage that review being similar to the one done in 2001, whereby it would be headed by a Supreme Court judge? Is that the model he is looking at or will it be an alternative model spoken of by our colleague, Deputy McNamara, namely, that it would be completed by the Law Reform Commission? We need to come up with a solution to all of this and I invite the Minister to elaborate on how that will happen and the timescale for it. Deputy McNamara suggested it should be done by January. Is it possible to do it by January? It would be all the better if it can be done by January. It certainly needs to be done by Easter of next year because we do not want to be coming back into this House next year to review this Act again. We need to be able to move forward from this and recognise there are many problems with this legislation, as aspirated by people in the highest legal field. It has been condemned internationally. We need to examine all of that and bring the Act into the 21st century. If we can do that we are prepared to step back and allow that review to take place but we are certainly not prepared to have this continuous farce every year where it becomes a political football. We need to end that and bring the Act into the 21st century. I will hand over to my colleague.

Deputy Pa Daly: Speaking to the amendment, it is difficult sometimes with criminal law to have a rational debate without having to listen to the manufactured outrage of some people trying to prove that they are tougher on crime than others. I remember being on the joint policing committee in Kerry. No matter how many times the chief superintendent said that Kerry was the jewel in the crown, with much lower crime rates than everywhere else, it did not stop people from claiming otherwise. As Aneurin Bevan, MP, used to say, if one does not have a programme, a bogeyman will do. Unfortunately, we have heard some bogeymen raised today. It is the duty of An Garda Síochána to eliminate not only crime and the causes of crime, but also the fear of crime. Too often that is forgotten. We must not underestimate the importance of the lawful judgment of one's equals or the jury system in the administration of justice over the years. Juries evolved from the Magna Carta, which first acknowledged the rights of the people of England as opposed to those of the Crown. This evolved into the jury system of today. It is a necessary safeguard or bulwark against what is sometimes perceived as State oppression. As I have seen over the years, if a jury feels that something about a prosecution case is not quite right, it is entitled to throw it out. I remember Judge O'Higgins, who used to operate on the

south-western Circuit Court, taking off his peruke, throwing it over to the jury and telling its members that it was up to them to make the decision. It is not a decision that juries take lightly.

Military courts were introduced in Ireland in 1939 and expanded in controversial circumstances in 1972. The Government asserted, as it was required to do under the Constitution, that the ordinary courts were ineffective to secure the proper administration of justice. The bogeyman of jury intimidation was raised. Jury intimidation is the Irish criminal justice system's equivalent to weapons of mass destruction. It is very easy to raise the issue, but where is the evidence for it? Is it in any of these reports? Has it ever been mentioned? Most of the Limerick gangland cases and many of the Crumlin and Drimnagh gang cases were dealt with by juries. Is there any evidence of intimidation leading a jury to acquit somebody? I have not seen it. If there was any evidence of jury intimidation, it could form part of the proposed review, but there does not seem to be any.

In 2014, the Irish Human Rights and Equality Commission said there were no data to support the view that the ordinary courts were ineffective. In my view, to say so is to do a disservice to An Garda Síochána, the courts, the judges and the members of the public who sit on juries. Gardaí need resources rather than hyperbole. Over the years, there has been a creeping expansion of non-jury trials. The UN special rapporteur has said that the seepage of exceptional emergency measures into the ordinary had become the norm and that these practices had not served the rule of law or the protection of human rights. The UN Human Rights Committee previously stated that the continued existence of the Special Criminal Court was not justified. The Irish Council for Civil Liberties and Amnesty International have called on successive Governments to abolish it. As we have already heard, the committee under Mr. Justice Anthony Hederman found that a pressing case to abandon the jury trial had not been made.

Speaking from a local point of view, any review of the courts should review the many District Courts that have been closed over the years. This century in Kerry alone we have lost at least six local courts. Someone who receives a summons for an offence in Castlemaine has to go to all the way to Cahersiveen to go to court. I hope the Covid-19 crisis is not used by the Courts Service to close more courts or to further restrict facilities, particularly the courthouse in Tralee.

Turning to the contents of the motion, I note that many of the provisions of the legislation are not used. Section 6 of the Offences Against the State (Amendment) Act 1998 has been used twice in 20 years. Section 9 is routinely used in the ordinary courts and does nothing to prevent the intimidation of witnesses. That can happen anyway. It has nothing to do with whether a case takes place in the Special Criminal Court or in any other court.

Section 8 of the Criminal Justice (Amendment) Act 2009 states that the ordinary courts are inadequate to deal with certain provisions, including section 71A of the Criminal Justice Act 2006. That case is almost impossible to prove and is rarely used. I accept that section 72 of the 2006 Act is essential in the battle against organised crime, but the ordinary courts should be perfectly capable of dealing with it. The same is true for sections 73 and 76.

Regarding the review which I am glad to note the Minister has proposed, the Oireachtas deserves better than a six-page report which was sent the day before yesterday in the expectation that this legislation would be rubber-stamped. The report repeats what the Garda Commissioner has told the Minister. There is no assessment or critical oversight by an independent body. There is no chance to discuss the issue before the Committee on Justice and Equality.

This will have to change in any review, especially when such rights as the right to silence are concerned and when the powers to keep citizens detained in Garda stations for longer periods are being extended. The review will have to be comprehensive and we should at least make some effort to reduce the need for non-jury courts. We could consider, for example, screening juries and locating them in other rooms. We have neglected over the years to consider any types of intermediate measures whatsoever. Instead, we have gone for the nuclear option.

Under the current law, the Director of Public Prosecutions has total discretion. He or she should be required to provide objective reasons that a case is being sent to a non-jury court. We have a situation where two people could be charged with the same offence but one goes to the Special Criminal Court while the other is sent to the ordinary courts. The evidence for such decisions, rather than being a matter of speculation, should be provided to the defence and the court. In England, one has to make an application to a judge for a non-jury trial. That application may be made in private but it must be done before a High Court judge. We need something like that in this State. There must be a review of the legislation after all these years.

Deputy Roderic O’Gorman: As Deputy Jim O’Callaghan noted earlier, the Offences against the State Act was created at a unique point in Irish history. It was introduced in response to a severe threat faced by the State and its provisions have been amended as that threat has evolved. We should welcome that this debate is taking place and that these provisions are subject to scrutiny. The provisions are exceptional and it is right that we examine whether they continue to be a necessary piece of our legal infrastructure in 2020.

Fortunately, the threat faced by the Irish State from paramilitaries has receded since the Good Friday Agreement, although the activities of certain dissident groups mean it has not entirely subsided. However, we are faced now with a serious and significant threat from criminal gangs, some of which are international in their reach. The past number of weeks have given us some unsettling reminders of the influence and threat many of these gangs still generate. Early in June, a garda in Dundalk had his home set on fire. The garda was at home with his pregnant wife and two young children at the time. This is the third incident of arson at a garda’s home in Dundalk in the past three years. We have also seen an ongoing campaign of intimidation and harassment against members of Quinn Industrial Holdings, with arson attacks, assaults and criminal damage culminating in the brutal kidnapping and torture of Kevin Lunny. The four men arrested in connection with that particular case have been referred to the Special Criminal Court for trial. Two weeks ago, we saw a named individual being thanked for his role in arranging a major boxing match. One would have hoped that journalists abroad covering boxing might have invested some time looking at this individual’s activities in Ireland and reflecting on their coverage of both the fight and the man.

It is through fear, intimidation and violence that criminal gangs seek to operate. They bring fear to their communities, to the young people they enlist as foot soldiers and to the people they keep in addiction to the drugs they sell. The level of fear created by these gangs is very real. Research from the CityWide Drugs Crisis Campaign in 2016 found that two thirds of people experiencing drug-related intimidation do not report those incidents to the Garda, mainly for fear of reprisal. The research also found that other than the individual in debt, the person most often the victim of intimidation is the debtor’s mother.

Criminal gangs also use fear as a weapon in criminal trials. Research published earlier this year by the UCD school of law found that jury interference was regarded by judges as a known feature in a small number of Irish jury trials. While the numbers of trials impacted are small, it

is nevertheless extremely significant that the reality of jury intimidation is now being regarded as a fact. In the same research, one judge recalled being told that the jury members were very worried and had requested that their names not be read out in court during the morning roll call for fear of retribution.

Separately from the UCD research, following the killing of a young man who broke up a fight in Dublin's south inner city, witnesses were told they would get a bullet in the head should they give evidence in court. Some years ago, a number of criminal trials related to gang activity in Limerick saw extensive witness and jury intimidation. The Garda Commissioner, Mr. Drew Harris, has said that we have a situation where organised crime groups and terrorist groups are in a position, through fear, to thwart jury-led trials. He has described the Special Criminal Court as "a vital function, a justice function, a criminal justice function, in how we protect the people of Ireland".

In renewing this legislation, we should also look at how much progress has been made in dismantling the criminal gangs and paramilitary organisations that make the Special Criminal Court necessary. First, we know that dissident republicans had threatened to take advantage of Brexit, whether it be a no-deal Brexit or otherwise, and, in particular, to target Border infrastructure. Therefore, what assessment has been made of the current level of threat from dissidents, particularly given the ongoing lack of certainty around Brexit?

Second, the report given to the House by the Minister detailing the operation of section 8 of the Criminal Justice (Amendment) Act 2009 gives some details of the ongoing fight against gangland crime in Ireland. However, as I mentioned, we have seen that some of these gangs are international in their operation, with senior figures placing themselves in foreign jurisdictions outside the reach of An Garda Síochána. What work has been done by the Garda but also at an international level to ensure there are no safe havens for people leading criminal gangs which operate in this State?

We must absolutely acknowledge the very real civil liberties concerns expressed about the Special Criminal Court, and its processes should only be used in the most exceptional circumstances. I am cognisant of the criticisms of the Special Criminal Court made by Amnesty International, the Irish Council for Civil Liberties and the UN Human Rights Committee. We should consider what mechanisms are in place to ensure oversight of the Special Criminal Court and the wider offences against the State legislation. We should also assess how juries are protected in other jurisdictions to see what lessons we could learn and apply here.

A number of Deputies have brought forward useful amendments regarding reviewing this legislation over the course of the next year, and such a review is called for in the report of the Commission on the Future of Policing in Ireland. That report recommended the appointment of an independent examiner of terrorist and serious crime legislation. The programme for Government commits to the rapid implementation of the commission's report, and during the talks, the three parties discussed the offences against the State legislation and the potential for review of its provisions. I welcome the Minister's commitment today that the review of serious crime legislation recommended in the commission's report will be undertaken. We see this as an important step in modernising laws in this particular area. As such, with respect to the ongoing capacity of organised crime gangs to interfere with criminal trials via intimidation and considering the Minister's firm commitment to review this legislation this year as per the commission report, my party will be supporting this motion and the renewal of the legislation for a further year.

Deputy Ged Nash: I thank Deputy O’Gorman for putting on the record some very important indisputable facts around a reality of threats that have been issued to juries in organised crime cases in recent years. That is one of the primary reasons this House needs to unite to express our support for resolutions put forward by the Minister today. I have no hesitation whatsoever in supporting the continuation of many of these very important measures in the fight against the scourge of organised crime in this country. That being said, I support the Minister’s commitment and indeed the amendments tabled by colleagues, including Deputy McNamara, which seeks to review the efficacy of the legislation. That is important, is something that makes sense, and is as it should be. If I have one criticism of some aspects of the legislation, or the operation of it at least, it is that in my view, given my experience of being from and representing the Drogheda area, some of the provisions are not used enough to bring well-known gangsters before the courts and bring them to justice.

As the Minister is well aware, two gangs at war over the drugs trade in my home town have wreaked havoc over the past two or more years. The Garda, the Criminal Assets Bureau and other agencies have done really important work and have achieved some considerable success in recent months in tackling this gangland feud in my area. This is as a result of very detailed, painstaking hard work by local gardaí resourced by the Commissioner and the Minister’s Department. In a week when the life of an exemplary member of the force, Detective Garda Colm Horkan, was taken, we must take time to remember and thank all gardaí across this country for the work they do on our behalf, keeping us and our communities safe, often under extremely difficult circumstances.

In Drogheda there are a relatively small number of people involved at the top of these criminal enterprises, but their actions and those of the gangs they control have damaged and destroyed countless lives. We are all rightly horrified when young men such as Keane Mulready-Woods are barbarically murdered. Vicious events such as these capture the national and international headlines. What we do not read about too often is the impact that the operation of these gangs has on other victims, with arson attacks on homes, ongoing drug debt intimidation, and the intimidation of parents and grandparents. Defenceless and vulnerable young girls have been sickeningly abused and sexually exploited by low lifes to settle drug debts. That is the reality of this heinous trade and the unspeakable reality of life for many everyday victims of these disgusting gangs and the trade that they are in. Many of the young girls who are victims of this abuse are afraid to report it to An Garda Síochána because of the fear they have of further attacks, intimidation and of threats. This is the seedy, tragic underbelly and fallout from organised crime. None of this should be tolerated in any way or at any time in a society that calls itself just and decent.

The people ultimately responsible for these kinds of outrages and problems are those at the tops of these groups. The dogs on the street know who they are and it should be possible to haul them before the courts and deprive them of their liberty on the opinion evidence of a Garda chief superintendent, backed up by evidence to corroborate the fact that they are responsible for directing organised crime. We know that when these thugs are beaten, there is a community to repair. I appeal to the Minister finally to accept my long-standing appeal to establish a multi-agency task force backed up by a social investment plan to help to develop the parts of my home area that have been most affected by the scourge of gang crime. That way, we can replace fear and dread with hope.

On a separate but related matter, given the enormous resources and manpower involved in calling to the homes of those who are on bail to check that they are complying with provisions,

I am baffled as to why the provisions of the Bail Act to allow for electronic monitoring, that is, tagging, have still not been commenced. Tagging measures to monitor the movements of those on bail were passed in section 11 of the Criminal Justice Act 2007. In 2020, when citizens in towns like my own have been subjected to all kinds of mayhem by thugs on bail, it is wrong that hard-working gardaí cannot seek such a condition in the courts and then implement it to monitor those who are on bail who are defendants in very serious criminal cases. The truth is that, from what we read and what we know, there appears to be an ongoing wrangle relating to the costs involved in introducing this kind of tagging and indeed who would monitor the system.

I appeal to the Minister to ensure that that element of the legislation is commenced, that electronic monitoring for those on bail and charged with serious criminal offences proceeds, and that we get on with that job once and for all. That is one of the best ways to support the ongoing work of An Garda Síochána. I know from experience in my own community the substantial resources of manpower, cash, overtime and so on that go into monitoring these individuals, calling to their homes, checking that they are not breaking curfews and such. There is a better way to do this to free up the resources that we need to tackle these criminal gangs head on and bring them to justice.

Deputy Catherine Murphy: The fact that this comes in front of us every year tells us that there is something different or abnormal about this legislation. We in the Social Democrats have tabled an amendment to recognise that this is more than just a criminal justice issue but a societal issue too. Our amendment reads:

- in the absence of any specific information being presented which points to the inadequacy of the ordinary courts in the administration of justice in Ireland with specific regard to offences listed under sections 6 to 9 and 12 of that Act, and acknowledging the views of multiple national and international human rights agencies that have raised serious concerns regarding the operation of the Special Criminal Court, resolves to proactively and progressively implement societal and justice reform measures which, within a specified period of time being no later than 2025, ensure that section 14 of that Act should not continue in operation after that date.

I recognise and acknowledge that the Minister has said that a review will take place. I appreciate that that will happen. The Minister might tell us what the timeframe for that is likely to be. We know that Article 38 of the Constitution provides the basis for special courts with non-jury trials, which can be established by the Dáil in situations where the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The current iteration of the Special Criminal Court was formed in 1972 at the beginning of the Troubles. The court was installed as an emergency measure in response to the threat of paramilitary activity, which I accept has reduced but not gone away. It has now been in place for 48 years. It was needed 48 years ago and has been needed. I acknowledge that it is, unfortunately, still needed for gangland crime. Every year, we stand here and almost blindly accept the continuation of this regressive measure. To accept that is to accept that, as a society, we will always be in a position where things are so bad from a crime and justice perspective that we cannot do away with this court. I find it very difficult to accept that and think we are better than that. We should strive to be better than that. That is why we feel that we should have a timeline for this.

In addition to holding non-jury trials, the Special Criminal Court has a range of special powers, including the ability to accept belief evidence from a Garda chief superintendent. This

allows the Garda's belief that an individual is a member of an illegal organisation to be used as evidence. A trial conducted in December 2019 marked the first occasion when belief evidence was deemed inadmissible. The court can also make inferences from silence, which means that a negative inference can be taken from an individual's silence when being questioned by gardaí. In most cases, that is probably a reasonable inference, but what if it is not? According to data analysis conducted by *The Irish Times*, 89% of trials in the Special Criminal Court have ended in convictions since 2016, compared with the Circuit Court which had a 48% conviction rate, and the Central Criminal Court, which maintained a 54% conviction rate. All of those convictions may well be safe and satisfactory. We have seen miscarriages of justice in other jurisdictions and how corrosive even a small number of such cases can be to a criminal justice system.

The Special Criminal Court has been criticised by the Irish Council for Civil Liberties, Amnesty International and the Irish Human Rights and Equality Commission for its procedures, which would not be permissible in ordinary courts. Among the criticisms are the removal of the right to a jury, the deviation from terrorist cases which it was originally formed to address, the admittance of belief evidence, and the fundamental special nature of the court. The Human Rights Committee has repeatedly identified the Special Criminal Court as being a violation of Ireland's legal obligations under international human rights treaties and has called for its abolition. In 2014, the committee expressed concern about the expansion of the remit of the Special Criminal Court to include organised crime. We have a major problem with gangland crime. I completely acknowledge that. It is corrosive in the communities that it is most evident in, but that is not unique to Ireland. We need to look at how other jurisdictions deal with this in the absence of a type of court similar to the Special Criminal Court. The UN special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Professor Fionnuala Ní Aoláin, criticised the Special Criminal Court, stating that counterterrorism laws which contravene human rights "can further entrench cycles of violence and can lead to radicalisation". Last year, the Minister for Justice and Equality himself stated "We all look forward to the day when the Special Criminal Court is no longer needed, but regrettably we are not there yet." The plan of action to get there is the key issue but unless we make a start and strive to do that, where will we be?

I listened to Deputy Jim O'Callaghan and he spoke about young people in disadvantaged communities being targeted. That tells us that disadvantage in those communities also must be dealt with if we are dealing with this issue from a societal point of view. Something much wider than a review of the Special Criminal Court will be required to get us to a point where we no longer need that court. The challenge now is to equip our ordinary courts in a way that allows them to administer transparent justice safely and securely for all involved in the proceedings. That basic tenet of a civilised society should not be outside of our capabilities and that is why we have tabled this amendment to put a timeframe on that process.

This is not exclusively an issue concerning the courts. It is also about disadvantage and Ireland as a country. It is not just about the criminal justice system, because we have a tendency to create problems and work backwards towards resolving them. We need to be proactive and our policing needs to be proactive. We have seen situations mentioned in places such as in Drogheda, Limerick and the north inner city. I certainly have no problem with that kind of thuggery being dealt with and people prosecuted, convicted and jailed. We do, however, allow these situations to get to a point where they become very difficult to control.

When the issue in Drogheda emerged, people were saying the dogs in the street knew there was an issue. If that was the case, resourcing then becomes the issue regarding not allowing

such a situation to get to the point where it becomes such a pivotal issue that it destroys the reputation of the community, the quality of life of the community and individual lives. It needs to be addressed at a much earlier stage and that is both a societal issue and a policing issue, in terms of how we deal with that issue from the perspective of a proactive type of policing rather than the reactive type of policing that happens when a situation gets to a point where it becomes very difficult to manage. Indeed, it puts the lives of those trying to enforce the law in greater danger than would otherwise be the case.

Our amendment seeks to put a timeframe in place to deal with this issue, because if we do not focus our attention right across the spectrum, we will be here in five years' time and ten years' time talking about the same things and being challenged by human rights organisations for which we have great respect, such as the United Nations. We need to pay attention to what those organisations are saying to us.

An Ceann Comhairle: I call Deputy Bríd Smith, who is sharing time with Deputy Paul Murphy.

Deputy Bríd Smith: I start by saying that it is highly ironic that we are sitting here this morning to renew major powers for the State, on a day when tens of thousands of workers will wake up to the realisation that a learned judge of the High Court, who earns more than €220,000 per year, has decided in his wisdom that an electrician who may earn €45,000 per year is possibly overpaid, and has then struck down a sectoral employment order that will affect tens of thousands of workers already on low pay. This is a war on workers and it is time for workers to fight back. Importantly, last night's decision of the High Court must be appealed by the State and those pay rates must be defended.

The reason we are here, however, is for this annual event that is so important to the State, which a previous Deputy called a pantomime of sorts. The Minister makes the same speeches and Deputies do the same hand-wringing and the same solemn commitments are made. This legislation, however, like financial legislation passed in previous years, is based on a myth, namely, that we are in an emergency where there is a threat to the very State and its institutions. The usual vague warnings concern republican or possible jihadist terrorism and now it is the need to combat gangland crime. Those who support this legislation will accept that it is a draconian attack on fundamental rights, rights guaranteed by our Constitution, rights hard won and fought for by citizens, rights that set limits on the arbitrary powers of the State and its institutions. I want to be clear that we totally oppose this legislation. We do not buy into these arguments and they fall apart when examined.

Emergency power and legislation has seeped into the very fabric of this State and it is clear that the State does not want to let go of those. This Act takes away the right to trial by jury, which is one of the greatest rights won by democracies. It replaces normal rules on evidence and the right to remain silent. It allows for citizens to be jailed for years on the word of a senior Garda, based on no other evidence than his or her opinion. It bequeaths a frightening arbitrary power to the forces of the State that are, in reality, unaccountable and unelected.

I will deal briefly with what has replaced terrorism or jihadist threats as the main ideology and bogeyman to justify this legislation, and that is gangland crime. Like other Deputies, I know too well the consequences of gangland crime. It is communities such as those that I represent that feel its effects most strikingly. It is also communities such as the one I represent where young men are killed and do the killing. I have a simple question for the advocates of

this Act. Has this legislation, and the emergency measures in it, succeeded in stopping gangland crime? Has it broken down the cartel of guns and the wealth that flows from that? Has it smashed the drugs trade, the rock on which these gangs are based? No, it has not.

If this Act is the answer to anything, then is the question not how do we stop gangland crime? If we want to pull the rug from under gangland criminals, then we should be seeking ways to remove their money and their wealth, which are based on the drugs trade. We would take truly radical measures, such as decriminalising drugs and investing heavily in the communities that breed the alienation and poverty that build the drugs trade. There is ample evidence, in the context of law and prosecution cases, that there are alternatives that this State has refused to look at for some reason. I refer to anonymising the jury service, using technology to hide the identities of jurors etc. Instead, we invest in the powers of senior gardaí that can see someone jailed with no real evidence.

Last year, Ms Justice Tara Burns acquitted two men of IRA membership after the head of the Garda special detective unit refused to disclose belief evidence to the prosecution. This meant that gardaí were seeking a conviction without disclosing evidence to the defendants' legal team, the court or the DPP. Surely this is a warning that the evidence threshold we give in this legislation is too low and too dangerous and that the threat of a miscarriage of justice is very real. We empower the DPP to make decisions regarding who gets the constitutional right to a jury and who does not.

We have real emergencies in this State. We have a housing emergency and a health emergency, as well as utter failure in our system of childcare and in the care of the elderly. Do we, however, see the State or the main parties in this House rushing to pass emergency legislation and granting major powers to bodies to deal with those crises? No, we do not. We are totally opposed to this legislation; it does not work and it will not work in its intent.

Deputy Paul Murphy: It is incredible that after less than a two-hour debate this House will pass, by a big majority - a bigger majority, unfortunately, than in recent years - these massive restrictions on civil liberties and democratic rights. Those Deputies will do so against the advice of the UN Human Rights Committee, against the position of Amnesty International and the Irish Council on Civil Liberties and in most cases, without even reference to the real concerns about the restrictions on civil liberties contained within the continuation of this legislation.

11 o'clock

The right to have a trial by jury is an essential democratic right. Mary Robinson made the point in 1985 that "To charge persons in the Special Criminal Court that are charged with purely criminal offences is to abolish trial by jury by the back door." This is an affront to basic civil liberties and human rights.

The UN Human Rights Council argued against the court in 1993, stating it was not justified. In 2000, the council stated that steps should be taken to end the jurisdiction of the Special Criminal Court. Amnesty International and the Irish Council for Civil Liberties have also made arguments that continue to hold weight today.

Deputy Bríd Smith referred to the fact that the subjective opinion of a chief superintendent of the Garda is treated as evidence in and of itself. That is an affront to civil liberties. It is not as if we do not have evidence in the history of this country of misbehaviour of gardaí, including in court cases. We saw that the disclosures tribunal found a campaign of calumny against

former Garda Sergeant Maurice McCabe. We witnessed the Morris tribunal. I have personal, albeit much more minor, experience of testimony given by gardaí at trial. One does not even have a right to remain silent at the Special Criminal Court. It is not credible in the slightest to claim that the trials before that court are fair. It is the equivalent of internment without trial.

As is usually the case with repressive legislation, whether the Patriot Act in the USA or other examples from around the world, it starts in emergencies. Restrictions on civil liberties are pushed through in the context of a perceived or actual emergency. In the case of the Special Criminal Court, it was supposedly to deal with the threat of the Provisional IRA. The emergency, necessity and reasons that are given to justify the legislation then change, the repression stays on the Statute Book and is able to be used by the State.

It is unfortunate that Sinn Féin will vote for Diplock courts. This is an historic moment and the price of entry that those on the other side of the Chamber charge to be considered for coalition. That is what the general election was about. The Green Party has similarly never voted for this legislation before but will do so now. It is a big mistake to concede to this campaign of pressure. I accept that pressure has been put on but it is a mistake to yield to it. If one concedes to this attack on civil liberties because it comes with a report, one will be under massive pressure to concede again in a year's time. It is a basic principle by which people should stand. People have the right to a trial by jury and it should not be restricted.

The central justification for this legislation is jury intimidation. The Irish Council for Civil Liberties has given a number of different examples of how this issue, to the extent it is a real issue, can be dealt with. Examples include anonymous juries, screening juries from public view, special protection for juries during trials and video links for juries at different locations. Some of those are not new ideas in Irish law. The Juries Act 1929, which was not commenced and has now been repealed, had some of these protections and others. The point has also been made that witnesses must give evidence during trials in the Special Criminal Court and are therefore also possible targets of intimidation. The court fails even in that regard.

The Special Criminal Court was never needed. We should not accept these restrictions of civil liberties now or in the future. This House cannot claim ignorance of the undemocratic and authoritarian nature of this legislation or pretend that alternatives to it do not exist. There is no excuse or justification to vote for the continuation of this restriction on civil liberties.

Deputy Michael Lowry: This debate was to take place last week and, in the interim, Detective Garda Colm Horkan lost his life. Before that young man lost his life on the streets of Castlerea, I had already deemed it necessary to state that the men and women of An Garda Síochána in every corner of our country risk their lives every time they go to do their work. Sadly, the untimely passing of Detective Garda Horkan has driven that fact home to all of us. He was brave and courageous in fulfilling the duties of the job he loved in a normally peaceful rural Irish town. He did not think he was risking his life on that fateful final call-out. He did not think that his young life was about to end when he responded to that call but, unfortunately, it did. A vibrant and dedicated garda has departed this world.

There are gardaí in every village, town and city in Ireland who respond to similar calls on their own every day and night of every week. In paying tribute to Detective Garda Horkan, we must also pay tribute to each of them. We must thank them for what they do in the course of their work and the risks they take. We must ensure they are protected with sufficient manpower and resources. We must do everything possible to prevent a similar situation from ever

occurring again. In honouring the memory of Detective Garda Horkan, we must protect his colleagues. May his soul rest in peace.

A glance through any newspaper, national or local, tells us of the stark reality of crime in every corner of every village, town and city in our country. This does not make Ireland unique but it makes it a country where preventing crime and apprehending criminals are of growing importance. It underpins the need to protect and enhance every level of our justice system to ensure our citizens are protected and punishment acts, and is seen to act, as a real deterrent to criminals.

Bringing those involved in organised crime to justice is the challenge faced by our gardaí every day. Ensuring that justice is done is down to our court system. The growing prevalence of gangland crime and deadly feuds is frightening. Reports of the activities of those involved are splashed across our media and details of the horrific acts carried out make for spine-chilling reading. These activities are not confined to our large cities, as some may choose to believe. Crime at this level is becoming rampant in rural centres across the country and once peaceful towns are gripped by fear as they live under the shadow of rival gangs. These gangs, predominantly motivated by lucrative drug dealing, are known to suck young people into their webs of crime and, once they have exploited them to the limit of their use, they discard them to the wolves.

This underworld of serious and deadly crime is relatively new to Ireland. Prior to the 1970s and 1980s, when illegal drug use crept into Ireland, crime at this level only existed on television screens and not on the streets of our cities and towns. It is now a fact of life with so-called career criminals amassing considerable wealth.

Over the years, the need for the continuation of the Special Criminal Court has been hotly debated. Since the establishment of the court, its purpose has changed, just as everyday life in Ireland has changed. While the caseload of the court was dominated by paramilitary and subversive matters throughout much of its existence, that has changed significantly and this change will undoubtedly gather pace in the years to come.

The Special Criminal Court is charged with dealing with organised crime. It deals with career criminals, gangland leaders and deadly, feuding provokers. The trail of evidence that leads to bringing these criminal instigators to justice can be vast. These can be lengthy trials with gruesome and intricate webs of evidence involving the testimony of highly dangerous individuals. The nature of gangland crime today takes these unique cases out of the realm of the Central Criminal Court to secure the effective administration of justice and preservation of public peace and order. These cases, due to their growing frequency and duration, would completely clog up the regular systems. The escalation in the incidence and seriousness of organised crime across our country demands that the Special Criminal Court remains in existence in its present form to ensure that these cases are heard in as timely a manner as possible. The non-jury format is as necessary for these organised crime cases as it was for cases in the past. The protection of members of the public from retaliation is paramount.

While some commentators have stated that gangland crime in Ireland is continuing to rise despite the existence of the Special Criminal Court, one must consider what that rise would be if this court ceased to exist. The court has a very high conviction rate which is widely known by the criminal fraternity.

There will always be the possibility of a terrorist attack on our country, as has been proven by the events of recent years in countries across the world. However, the threat of continued organised crime in Ireland is not just a possibility, but a certainty. Not only that, but statistics indicate that incidents of this kind are growing in ferocity and number. The increasingly barbaric acts that have been carried out prove that point.

The Special Criminal Court must maintain its place in our judicial system. In fact, I believe it must be given a permanent place in our system to ensure the continuation of its necessary role going forward.

To return to the point I made about the role of the Garda in bringing those involved in organised crime to justice, I refer to the provision of adequate funding for law enforcement in towns and villages across rural Ireland. A survey of the Garda station directory showed that almost 60% of rural stations are open for three hours or less from Monday to Friday, while many are closed at the weekend. That is if a station is opened at all. Towns, some with a population in excess of 6,000 people, are stated in this report to have 24-hour Garda stations while the reality is that one garda mans the phones overnight and if an incident occurs, that garda must contact the nearest fully operational station to request a patrol car to be sent to the scene. In my constituency of Tipperary, that patrol car may have to travel 40 km or 50 km to reach the incident in question. How can gardaí be expected to protect the public, maintain law and order and bring the perpetrators of crime to justice unless they have the manpower, means and facilities to do so? Most importantly, no garda should be expected to attend the scene of an accident alone. There should always be at least two gardaí available to attend a call-out as the most basic incident can escalate rapidly. Gardaí are at the coalface of crime in this country. They apprehend individuals who have no regard for life or limb or who, in many cases, are distorted by substance abuse and not in possession of their full senses. Gardaí are the mainstay of our justice system and without their dedication, bravery and commitment, criminals at all levels could and would run amok. Gardaí are the heroes of the system. We must ensure that we provide them with the means to carry out their vital work as safely as possible. If a valid argument can be made for the permanent continuation of the Special Criminal Court, it follows that an equally valid argument can be made to increase the numbers of gardaí, who are the first point of contact for criminals, and to provide them with the resources they need. If a criminal, whether it be an opportunist or a gangland leader, is not apprehended, then the subsequent stages of the judicial system cease to function.

I put on record my appreciation of the work of the Minister for Justice and Equality, Deputy Flanagan, during his term. I acknowledge his accessibility and courtesy to all Members of this House. He dealt with a wide range of complex and sensitive issues. He showed a solid command of his brief. This House and the people of Ireland owe him a debt of gratitude for his service.

Deputy Richard O'Donoghue: I am sharing time with Deputy Mattie McGrath. I offer my deepest sympathy to the family of Detective Garda Colm Horkan, who gave his life for the safety of others. May he rest in peace.

Section 8 of the Criminal Justice (Amendment) Act of 2009 has given us legislation on tackling organised crime throughout Ireland. Even through a pandemic, we have seen cases of individuals and gangs who continued to wreak havoc on our society. I can only commend the Garda on the unlimited sacrifice its members provide to ensure we live in a safe and peaceful society. Some 139 Garda stations were closed between 2012 and 2013. In Limerick, we only

have three full-time Garda stations in the county. Other stations only open for one or two hours a day, if they are opened at all. We need gardaí on the beat on a regular basis, particularly in areas where crime rates are high. The number of gardaí being trained and deployed into the areas does not meet our needs. When the pandemic hit, the Garda Síochána had to hire vehicles to cover the areas. In all other industries, whether it be in construction, retail or whatever, health and safety comes into everyone's business. We can see that with the opening of shops at the moment. However, we have seen how gardaí are sent by themselves to crimes or altercations in houses. In all the local authorities' criteria for work practice, nobody goes out to a job alone. There must be two or three people, depending on the work.

The biggest issue here is the drug trade. Drug dealers are targeting age groups over which we have no control. Families contact me regularly because their children are being enticed into trading in drugs, anti-social behaviour and gangland feuds. For teenagers, there is no law in place to protect them. Something has to change. We do not have the Garda numbers we need. As much as we have been asking for gardaí, we do not have them. We do not have the equipment to deal with gangland crime and anti-social behaviour. Statistics show that criminal gangs are moving into rural areas where it is harder to detect them because they know we do not have Garda manpower. Technology was introduced but, yet again, laws have been put in place to stop the videoing of different crimes. The technology is there to help us. Cameras have been put up in various towns but if a garda wants to access the footage, he or she has to leave the barracks and go to a place to sit down for hours watching a video. If something is happening on a road and the video technology is linked to a unit and licensed to a garda, if he or she turns it on, it is licensed to him or her only. Within a split second, the garda can see if there is a robbery taking place and if a car travels through a town, the number is recognised and linked to all these units. The technology is there but the laws are not there to change this. We cannot police rural Ireland with the number of gardaí we are being given because of the square miles involved. If the Government introduced laws to allow the technology to be used and licensed it to individual gardaí in Garda units so that they are accountable, we might be able to combat crime in rural Ireland.

Deputy Mattie McGrath: I was delighted to be able to speak earlier during the expressions of sympathy for Detective Garda Horkan. Like the late Garda Detective Horkan, many gardaí are left to work alone, as Deputies Lowry and O'Donoghue said.

I support the proposed measures and Deputy McNamara's amendment providing for a proper and decent independent review. All legislation needs a timely review.

The Minister mentioned the Omagh bombing, a horrific tragedy. That tragedy could have been averted, as the Minister knows. A former Taoiseach and leader of his party promised Michael Gallagher at a Fine Gael Ard-Fheis at which I am sure the Minister was a cheerleader that he would get justice under a Fine Gael Government. Has the Minister met Mr. Gallagher? The Taoiseach refused to meet him when he became Taoiseach. The anniversary of that horrific event is in August. I pay tribute to the deceased Garda John White from Cappa in Bansha outside Cahir, County Tipperary, who died a couple of weeks ago. He made gallant efforts to stop that bomb and put his life on the line. He did not get a lot of support. He could have saved 29 lives. Many lives had been spared in previous events in which he intervened. The Minister may not be returning but I wish him well in whatever he is doing. That needs to be recognised. A lot of things that should not be happening are happening.

While we have the threat from dissidents all the time, gangland crime is rampant. I look at

Drogheda, Longford and other places. I have spoken here to the Minister about Clonmel. We expect gardaí to work in a horrible, Dickensian, dirty, filthy, at times rat-infested Garda station. The Minister can frown all he likes but he has seen this, as have other Ministers. The Taoiseach has seen it. It is unfit for habitation or work. These are members we depend on. I stood proudly outside it last Sunday at noon with Superintendent Leahy for a minute's silence for Detective Horkan. They need the tools of the trade.

We need the legislation, the numbers of members and resources to deal with the gangs in my county. There is a drug trade, and everything else that goes on, day and night. I introduced legislation here about scrap and precious metals. We know who is doing it, the dogs on the street know, but we cannot mention it; it is unspeakable. There are children of six and seven years used as mules and movers of drugs. Parents, grandparents and great-grandparents who are terrorised and intimidated visit my office regularly. It is not good enough. I salute the Garda for what it does with the numbers it has in trying to deal with it but when are we going to cop on here and decide that everybody is subject to the same law, regardless of ethnicity? We are all Irish citizens, our newcomers as well, and everybody has to be entitled to the same law but no, we turn a blind eye to it. It will come back and bite us - we all know where - and it will not take long. Houses are being burned in Clonmel because families do not want other families getting it. I led a deputation to the county council with former Deputy Healy and others about a house in Clonmel. They were all questioned. I was not, thankfully, as I was not going to co-operate. A public representative bringing in ordinary decent people and I always co-operate. Four gardaí investigated it but this marauding intimidation of a community goes on and on. Tipperary is now losing its chief superintendent, who is going to Clare. The Minister says there is nothing political about it but I wonder. That is a downgrading.

I support Chief Superintendent Smart and thank him, as well as the superintendents and those in other ranks in the district. However, we simply do not have enough. I again appeal to the Minister to retain the Garda community units that he reinstated, albeit in leased cars. They are a presence and have proved their worth no end. They have done everything from taking beehives out of roofs to delivering babies and looking after all sorts of issues for ordinary decent people.

I also wish the best to Superintendent Pat O'Connor in Tipperary district, who is retiring this week. I thank him for his long and distinguished career. I also wish well a garda in my own area who was the community alert liaison officer who was promoted to sergeant recently. He is battling illness and I wish him well in that. He has been the essence of a community garda, of the people and with the people. If a garda stands with the people in their kitchens, they will support him or her. No police force can work without the support of the public but when the public is intimidated by gangs, there is a very serious situation. These powers and laws should be used to deal with these courts because members of the Garda are being intimidated and threatened where they live. It is very serious. I welcome the opportunity to support this motion and I will support Deputy McNamara's amendment.

An Ceann Comhairle: We move to Deputy McNamara who is sharing with Deputy Pringle, or *vice versa*.

Deputy Thomas Pringle: We will have five minutes each. This motion comes around every year, as we are well aware. I have probably spoken on it every year I have been a Member. In most years it is a formality, in that the Government puts it forward, we all get up and say our bit and the Government votes it through. That goes against the purpose of the motion being

tabled here. It is supposedly so the Government can have a review of legislation and have it democratically accounted for and proper consideration given to what is required. This year is somewhat different, as we are in the throes of Government formation and it is coming down to the wire. It has focused many parties on what will happen. Some parties are looking at how acceptable they might be in government in future and we have seen amendments to the motion before us. The basic question before us is whether the legislation is correct and whether it should be passed. If it was the same last year, the year before and all the years before that, this year should be no different.

I have heard Members tell the House about terrible crimes that go on across the country and the organised crime which operates here. It is scary and it would be difficult for anyone living in the community who is affected by it but in reality, these crimes occur while this legislation is in place. The Special Criminal Court has been in place since 1972 and goes back to 1939 or 1940, as has been mentioned previously. The Criminal Justice (Amendment) Act has been in place since 2009. We are told that all these powers are vital in our armoury to fight against terrorism and organised crime, but this is all still happening and they make no difference. The Minister has not presented anything to show that it is making a difference, and that is our problem. We need to look at something different because we are undermining the civil rights of all citizens by having this legislation in place. The Irish Human Rights Commission has stated the definition of terrorist activity is “impermissibly wide and runs the risk of categorising groups opposing dictatorial or oppressive regimes, anti-globalisation, anti-war or environmental protestors, or even militant trade unionists, as terrorists”. That is the reality. It went on to list its main areas of concern, including that the disparity between those arrested and those prosecuted under the legislation remains unexplained, which is true. I do not know how many times I have heard on the news of people being arrested under section 30 of the Offences Against the State Act for ordinary crimes that should never be considered. Not a question is asked about it and no one bats an eyelid. The commission asked the State to consider narrowing the scope of the definition of “terrorist activities” and noted it was “concerned at the continuing existence of the Special Criminal Court, the routine nature of the annual parliamentary resolutions authorising the continuance of its operation and, in particular, the extension of the Court’s remit to include offences outside the scope of ‘terrorist activities’”. While the commission had outlined its concerns, it was completely ignored.

It is also important to put the comments of UN special rapporteur on the record. She has stated “the island of Ireland, more so than many parts of the world has experienced emergency law, emergency practice and the seepage of the exceptional into the ordinary in ways that has not served the rule of law nor the protection of human rights well”. She also stated there had been “consistent and trenchant concerns about the use of the Special Criminal Court and the Offences Against the State Act as a ‘work-around’ the ordinary protection of the law”. She went on to state “the poor governance that accompanies emergencies contributes to the conditions conducive to terrorism itself”. The point is that these provisions actually drive that on, which is probably true. We are doing nothing to deal with the causes of crime and the actions that take place by having these courts in place. We should look at how the law can be used to make communities safer and at wider community needs, rather than only the criminal justice element. Therefore we should oppose this.

Deputy Michael McNamara: I understand I cannot technically move the amendment until the earlier amendments are dealt with. I intend to press the amendment.

An Ceann Comhairle: I imagine the Deputy can move it, as it is an amendment to a sepa-

rate element. If that is technically incorrect, we can come back.

Deputy Michael McNamara: I will move the amendment. I would like to get on to the substance of it.

I welcome that the Minister will carry out a review but what is a review? If it is something that his Department will examine internally, I regret that I cannot have much confidence in that. We know what the Department thinks is necessary because the Minister put the motion before us, as he did last year and the year before that. What will the review consist of and who will carry it out? We have had reviews. The Hederman committee was established in 1999 and spent three years on this issue. A wide variety of stakeholders was invited to participate and it reported in 2002. Deputy Jim O'Callaghan stated earlier that it recommended that the courts continue as is. That is not correct, in my view. In 2002 the committee recommended to the Government that there should not be a category of offences that are automatically heard before the Special Criminal Court, and that this exceptional measure should be applied on a case-by-case basis. The UN human rights committee has criticised Ireland for exactly the same thing. Deputy O'Callaghan alluded to the Hederman committee. There was also the fact that Mr. Justice Hederman himself - he was in fact a retired Supreme Court judge and a former Attorney General in former Taoiseach Jack Lynch's Government and was not some sort of subversive renegade - along with Professors Dermot Walsh and William Binchy recommended that it be abolished entirely. They did not recommend that it be maintained as is. Ireland has been repeatedly criticised by domestic actors, the Irish Council for Civil Liberties, ICCL, the Irish Human Rights and Equality Commission, and its predecessor led by the Minister's former colleague and Senator, Maurice Manning, also criticised it. How much criticism do we need before we look seriously at this? A desktop review in the Minister's Department is not something that I would have confidence in to deliver anything. I welcome the fact that the Minister has moved a small bit on this but we need more.

I will highlight a couple of issues. The Kavanagh case was taken where Ireland has signed up to the optional protocol in the International Covenant on Civil and Political Rights, ICCPR, which enables a person who believes that their human rights have been violated to make a complaint to the committee which could determine this matter. Mr. Kavanagh was successful because the committee found that it could see no lawful basis in accordance with Ireland's international legal commitments for the fact that his case was heard in the manner it was. He was charged with scheduled offences and non-scheduled offences but the committee could see no basis that his case was heard by a non-jury trial. He went to the Supreme Court, which determined that Ireland's international commitments are not binding on us domestically but binding on us internationally.

This year, in the teeth of a huge pandemic, when this country was stretched economically, fiscally and in terms of human resources, a great amount of energy was put towards getting onto the UN Security Council. I congratulate the Government, of which the Minister is a Member, for having successfully secured a seat on the Security Council. If the UN does not matter why did we bother? If the UN does matter are we going to listen to the UN, to the human rights committee and to the special rapporteurs? This occurs in every periodic report, it is not just a footnote in one, where we are criticised for this. The Hederman committee, the Irish Human Rights and Equality Committee and the ICCL all criticised it. Everybody, bar at the Minister's own Department, criticises it. Who is going to review this?

What I am proposing is not revolutionary; we continue as is for seven months but after six

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months we ask for a report. Under the 1975 Act that established the Law Reform Commission, the Attorney General can request that a special report be done. It is not too much to ask that the Law Reform Commission at this stage look at the issue. Can one find a more impartial, neutral, learned body than the Law Reform Commission to do this?

If the Minister is going to suggest that it be another retired High Court or Supreme Court judge, that is great, but we have already had that. They have already made their recommendations and these have been ignored. I ask that the Minister announces something meaningful and not just that somebody, somewhere will review or take a look at it. That is not good enough any more, especially now we are on the UN Security Council. I agree with Deputy Pa Daly who discussed this, and I am conscious about not going over my time-----

An Ceann Comhairle: The Deputy has already.

Deputy Michael McNamara: I have already. Deputy Pa Daly probably has more experience of the criminal courts than everyone else in this Chamber put together and he made the point that many of the gangland trials were carried out in normal courts and that much of what affects trials is not neutered by having it in the Special Criminal Court because there still are witnesses and there is no more witness protection in the Special Criminal Court than there is in the Circuit Criminal Court in Limerick, unfortunately. This is a reality of life and if we are serious about protecting witnesses and juries there are actions-----

An Ceann Comhairle: I thank the Deputy.

Deputy Michael McNamara: -----that can be taken. I am not going to propose them now but would ask that the Law Reform Commission look into this.

An Ceann Comhairle: I thank the Deputy. The Minister has five minutes to respond.

Minister for Justice and Equality (Deputy Charles Flanagan): I thank the Ceann Comhairle and wish to acknowledge the importance of the debate here in this House and for the time given to it to consider these very important matters. I want to thank every one of the Deputies who made a contribution, particularly Deputies O'Callaghan, O'Gorman and Lowry who spoke in favour of the motions and indeed other Deputies who made some very important and constructive points which have informed the debate.

On the provisions of the 1998 Act, the stark reality is that there remains a substantial threat from terrorist activity and in particular from dissident republican paramilitary groups. These activities and this behaviour does warrant the continuance in force of the relevant provisions. As the debate has shown here over the past almost two hours there is no question of any annual blind acceptance of these provisions or annual rubberstamping. What we had here was a real and serious debate which was based on two reports that have been presented before the House which show the use of these legislative provisions over the past 12 months. Membership of an unlawful organisation inferences were made on 11 occasions; the matter of notification of witnesses occurred on four occasions; possession of articles for a purpose connected with certain offences arose on ten occasions; withholding information arose on seven occasions; the number of cases where extensions were applied for occurred on six occasions and where extensions were granted occurred on six occasions; and the number of cases in which convictions resulted and where charges resulted were four. Under the section 14 covering scheduled offences, this occurred on 18 occasions. This is not a rubber stamp but careful and due consideration. Not only is the State entitled to but it is obliged to take appropriate legislative measures in order

to protect itself and its people. Indeed, this legislation, as part of the main body of the State's laws to counter subversive activity and terrorism, remains an essential tool in tackling terrorist groups and activity on our island.

I reject those who have said that these legislative provisions have made no difference. I would go further to say that these provisions are making a big difference as the State responds to terror and gangland activity. The evidence is in the courts and in these reports to show that the renewal of these provisions sends a loud and clear message that the State will not yield to those who oppose democracy and continuously oppose the rule of law. We remain firm in our resolve.

I acknowledge what Deputies Kenny, O'Gorman and others have said about the review. I restate the fact that there will be a review and am more than looking at the possibility of one. The fine details of the review can be worked out by the incoming Government. I ask the House to appreciate that a review of this nature will require a significant body of work and it will be independent and comprehensive. The arrangements are currently being scoped. The work is being done in accordance with the Commission on the Future of Policing in Ireland and its report which continues to chart an avenue for the most comprehensive and radical police reform that the country has ever seen. I hope that this work will continue assuming that we have a permanent Government next week and that we can revert to the appropriate legislative programme that is necessary in order to ensure that we as a Dáil and parliament are responding. Everybody in this House knows from our experience the devastation that organised crime is inflicting on individuals and their communities. I agree with Deputy Nash and the case he makes again for Drogheda is something I believe will form a priority in the work over coming weeks. In conclusion, I acknowledge the quote of Deputy Catherine Murphy when she quotes me from last year. I agree that I look forward to the day when we will not have a need for a special criminal court but we are not there yet. These renewals mark a significant contribution in the overall effort to tackle organised crime.

I am grateful for the Deputies' responses. Once again, I commend the motions to the House.

An Ceann Comhairle: We must move now to consider amendment No. 3 in the name of Deputy Martin Kenny. How stands that amendment?

Deputy Martin Kenny: In the context of the Minister stating that he is committed to a full and comprehensive review and that that will be an independent review, I have come to the conclusion that we will withdraw the amendment.

That said, I am disappointed that the Minister has not stated the timeline in respect of that. It needs to happen before we come back this time next year. We need to be in a position where we are not coming here on an annual basis to renew this type of legislation and I think the Minister would accept that.

My view of this is clear. If there is a comprehensive independent review, it will come to the conclusion, as the previous one did, and in the context of the times we live in today, that much of this legislation is unnecessary and needs to be put to bed.

Deputy Charles Flanagan: It will be undertaken in the year ahead.

Amendment, by leave, withdrawn.

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An Ceann Comhairle: We move now to consider amendment No. 1 from the Social Democrats. How stands that amendment?

Deputy Catherine Murphy: I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“— resolves that sections 2 to 4, 6 to 12 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2020 and ending on 29th June, 2021; and

— in the absence of any specific information being presented which points to the inadequacy of the ordinary courts in the administration of justice in Ireland with specific regard to offences listed under sections 6 to 9 and 12 of that Act, and acknowledging the views of multiple national and international human rights agencies that have raised serious concerns regarding the operation of the Special Criminal Court, resolves to proactively and progressively implement societal and justice reform measures which, within a specified period of time being no later than 2025, ensure that section 14 of that Act should not continue in operation after that date.”

I wish to press the amendment.

Amendment put:

<i>The Dáil divided: Tá, 9; Níl, 25; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Berry, Cathal.</i>	<i>Noonan, Malcolm.</i>
<i>Daly, Pa.</i>	<i>Burke, Peter.</i>	<i>O’Gorman, Roderic.</i>
<i>Howlin, Brendan.</i>	<i>Byrne, Thomas.</i>	
<i>Kenny, Martin.</i>	<i>Chambers, Jack.</i>	
<i>McNamara, Michael.</i>	<i>Devlin, Cormac.</i>	
<i>Murphy, Catherine.</i>	<i>Dillon, Alan.</i>	
<i>Nash, Ged.</i>	<i>Donnelly, Stephen.</i>	
<i>O’Callaghan, Cian.</i>	<i>Durkan, Bernard J.</i>	
<i>Pringle, Thomas.</i>	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Feighan, Frankie.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Grealish, Noel.</i>	
	<i>Haughey, Seán.</i>	
	<i>Higgins, Emer.</i>	
	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>McGrath, Mattie.</i>	
	<i>Moynihan, Michael.</i>	

	<i>O'Callaghan, Jim.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donoghue, Richard.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Catherine Murphy and Cian O'Callaghan; Níl, Deputies Bernard J. Durkan and Peter Burke.

Amendment declared lost.

12 o'clock

An Ceann Comhairle: We must now consider amendment No. 2, in the name of Deputy McNamara.

Deputy Michael McNamara: I move amendment No. 2:

To delete the words "June, 2021" and substitute the following:

"January, 2021, before which date a report of the Law Reform Commission into the Offences against the State Acts, 1939 to 1998 shall be requested by the Attorney General to be completed no later than the 31st December, 2020. The Attorney General shall, as soon as may be, send a copy of the report to the Minister for Justice and Equality, who shall submit it to the Government and copies of the report shall, as soon as may be, be laid before both Houses of the Oireachtas."

An Ceann Comhairle: How stands amendment No. 2?

Deputy Michael McNamara: It is time the Law Reform Commission considered this issue.

Amendment put:

<i>The Dáil divided: Tá, 11; Níl, 23; Staon, 3.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Berry, Cathal.</i>	<i>Noonan, Malcolm.</i>
<i>Daly, Pa.</i>	<i>Burke, Peter.</i>	<i>O'Gorman, Roderic.</i>
<i>Howlin, Brendan.</i>	<i>Byrne, Thomas.</i>	<i>Ryan, Eamon.</i>
<i>Kenny, Martin.</i>	<i>Chambers, Jack.</i>	
<i>McGrath, Mattie.</i>	<i>Devlin, Cormac.</i>	
<i>McNamara, Michael.</i>	<i>Dillon, Alan.</i>	
<i>Murphy, Catherine.</i>	<i>Donnelly, Stephen.</i>	
<i>Nash, Ged.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Callaghan, Cian.</i>	<i>English, Damien.</i>	
<i>O'Donoghue, Richard.</i>	<i>Farrell, Alan.</i>	
<i>Pringle, Thomas.</i>	<i>Feighan, Frankie.</i>	

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	<i>Flanagan, Charles.</i>	
	<i>Grealish, Noel.</i>	
	<i>Haughey, Seán.</i>	
	<i>Higgins, Emer.</i>	
	<i>Lowry, Michael.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>Moynihan, Michael.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>Troy, Robert.</i>	

Tellers: Tá, Deputies Michael McNamara and Thomas Pringle; Níl, Deputies Bernard J. Durkan and Peter Burke.

Amendment declared lost.

Question put: "That the motion be agreed to."

<i>The Dáil divided: Tá, 32; Níl, 3; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	<i>Daly, Pa.</i>
<i>Burke, Peter.</i>	<i>McNamara, Michael.</i>	<i>Kenny, Martin.</i>
<i>Byrne, Thomas.</i>	<i>Pringle, Thomas.</i>	
<i>Chambers, Jack.</i>		
<i>Devlin, Cormac.</i>		
<i>Dillon, Alan.</i>		
<i>Donnelly, Stephen.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Feighan, Frankie.</i>		
<i>Flanagan, Charles.</i>		
<i>Grealish, Noel.</i>		
<i>Haughey, Seán.</i>		
<i>Higgins, Emer.</i>		
<i>Howlin, Brendan.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McAuliffe, Paul.</i>		
<i>McGrath, Mattie.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy, Catherine.</i>		

<i>Nash, Ged.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donoghue, Richard.</i>		
<i>O'Gorman, Roderic.</i>		
<i>Ryan, Eamon.</i>		
<i>Troy, Robert.</i>		

Tellers: Tá, Deputies Bernard J. Durkan and Peter Burke; Níl, Deputies Mick Barry and Thomas Pringle.

Question declared carried.

Minister for Justice and Equality (Deputy Charles Flanagan): I move:

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2020 and ending on 29th June, 2021.

An Ceann Comhairle: There is an amendment tabled to this motion in the name of Deputy Michael McNamara.

Deputy Michael McNamara: I move amendment No. 1:

To delete the words “June, 2021” and substitute the following:

“January, 2021, before which date a report of the Law Reform Commission into the Criminal Justice (Amendment) Act 2009 shall be requested by the Attorney General to be completed no later than the 31st December, 2020. The Attorney General shall, as soon as may be, send a copy of the report to the Minister for Justice and Equality, who shall submit it to the Government and copies of the report shall, as soon as may be, be laid before both Houses of the Oireachtas.”

An Ceann Comhairle: How stands the amendment? Is it being pressed?

Deputy Michael McNamara: I am pressing the amendment. I believe the Law Reform Commission should look at this issue while the law is continuing in force.

Amendment put and declared lost.

An Ceann Comhairle: Is the motion moved by the Minister agreed to?

Deputy Michael McNamara: It is not agreed. Vótáil.

An Ceann Comhairle: I remind Members that following this business, we will proceed to the Order of Business.

Question put:

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<i>The Dáil divided: Tá, 32; Níl, 3; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Barry, Mick.</i>	<i>Daly, Pa.</i>
<i>Burke, Peter.</i>	<i>McNamara, Michael.</i>	<i>Kenny, Martin.</i>
<i>Byrne, Thomas.</i>	<i>Pringle, Thomas.</i>	
<i>Chambers, Jack.</i>		
<i>Devlin, Cormac.</i>		
<i>Dillon, Alan.</i>		
<i>Donnelly, Stephen.</i>		
<i>Durkan, Bernard J.</i>		
<i>English, Damien.</i>		
<i>Farrell, Alan.</i>		
<i>Feighan, Frankie.</i>		
<i>Flanagan, Charles.</i>		
<i>Grealish, Noel.</i>		
<i>Haughey, Seán.</i>		
<i>Higgins, Emer.</i>		
<i>Howlin, Brendan.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McAuliffe, Paul.</i>		
<i>McGrath, Mattie.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy, Catherine.</i>		
<i>Nash, Ged.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Callaghan, Cian.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donoghue, Richard.</i>		
<i>O'Gorman, Roderic.</i>		
<i>Ryan, Eamon.</i>		
<i>Troy, Robert.</i>		

Tellers: Tá, Deputies Bernard J. Durkan and Peter Burke; Níl, Deputies Michael McNamara and Mick Barry.

Question declared carried.

An tOrd Gnó - Order of Business

An Ceann Comhairle: The House has agreed that, during the duration of the Covid-19 emergency only, the rapporteur's report on the Order of Business shall not be read out but shall be taken as read. Accordingly, there is only one proposal to be put to the House. Is the proposal for dealing with today's business agreed to? Agreed.

Presentation of Revised Estimates: Motion

Minister for Culture, Heritage and the Gaeltacht (Deputy Josepha Madigan): I move:

That, notwithstanding Standing Order 215(1) or (2) of the Standing Orders of Dáil Éireann relative to Public Business, the following Revised Estimates for the Public Services for the year ending 31st December, 2020, be presented to the Dáil and circulated to members on 24th June, 2020, being a date later than that prescribed for the presentation of Estimates:

Vote 32 — Business, Enterprise and Innovation (*Revised Estimate*).

Vote 38 — Health (*Revised Estimate*).

Question put and agreed to.

Dáil Meeting in Convention Centre Dublin: Motion

Deputy Catherine Murphy: I move:

That, notwithstanding anything in Standing Orders, the Dáil on its rising today shall adjourn until 12 noon on Tuesday 30th June, 2020, when, in view of the public health measures arising from the Covid-19 pandemic, the Dáil shall meet in the Convention Centre Dublin on North Wall Quay, Dublin 1: Provided that where, pursuant to Standing Order 26, the Ceann Comhairle, at the request of the Taoiseach, summons the Dáil for an earlier date than Tuesday 30th June, 2020, such meeting shall also take place in the Convention Centre Dublin.

Question put and agreed to.

Post-European Council Meetings: Statements

The Taoiseach: Before I make my statement I want to endorse what was said earlier about the death of Detective Garda Colm Horkan. The remarkable outpouring of grief we saw over the weekend says a lot about our values as a country and the respect we have for the men and women who uphold our laws. Whenever we lose a member of An Garda Síochána in the line

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of duty, it wounds us all and we grieve as a nation.

At the funeral, Colm's brother Brendan remembered his achievements on the sporting pitch and said he never let the jersey down. Exactly the same thing could be said about his career as a garda. He never let the uniform down. He never let us down, the people he had sworn to serve. Our condolences go to his family and friends, the people of Charlestown and the members of An Garda Síochána. Ar dheis Dé go raibh a anam dílis.

On Friday last, in lieu of a regular June European Council meeting, I participated in a videoconference of Heads of State and Government. The main focus of the discussion was the Commission's proposal of an EU-wide recovery instrument known as Next Generation EU and the EU's seven-year budget for the period from 2021 to 2027, the multi-annual financial framework, MFF. As a package, these are policies to enable our economies and societies to recover from the unprecedented challenges of the crisis caused by Covid-19 as well as the drive to the digital and green transformation of our countries and continent.

We also received a report from the President of the European Council, Mr. Charles Michel, and the President of the European Commission, Dr. Ursula von der Leyen, on the high-level conference with the UK Prime Minister, Boris Johnson, which took place on 15 June. In addition, Chancellor Angela Merkel provided an update on the implementation of the Minsk Protocol and the situation in eastern Ukraine and the occupied territories in Crimea.

The House may be interested to know that on Thursday 18 June, I joined the videoconference of the eastern partnership summit, which brings EU leaders together with our counterparts from six countries to our east: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The meeting underpinned the strategic importance of this relationship. In her wrap-up remarks later, the Minister of State, Deputy McEntee, will provide further detail on that summit and developments in eastern Ukraine.

Friday's videoconference opened with a presentation by the President of the European Parliament, David Sassoli MEP, who expressed the European Parliament's support for an ambitious recovery fund. We were also briefed by the President of the European Central Bank, Ms Christine Lagarde, who provided us with an overview of the economic situation in the European Union. Her assessment was stark. The damage caused to the European economy by the Covid-19 crisis has been considerable and will be lasting. Her assessment is that it will take until late 2022 for the European economy to recover to pre-crisis levels. She predicted that the worst effects on our labour markets may be yet to come and are likely to affect young people and those in the private sector disproportionately.

At our last meeting in person in February, the European Council was unable to reach a consensus on the proposal for the MFF then on the table. At that time, the enormous consequences of Covid-19 for Europe were not yet known. However, in the months that have followed, the scale of the challenge we are collectively facing has become more apparent. On 23 April we agreed to task the European Commission to make a proposal for an ambitious recovery fund equal to the scale of the challenge, as well as a revised proposal for the MFF. Following that request, on 27 May the European Commission published a package for economic regeneration. This included a revised proposal for a European recovery instrument, Next Generation EU, to run over the period from 2021 to 2024, and a revised proposal for the MFF. The total package is worth €1.85 trillion in 2018 prices. That breaks down as €1.1 trillion for the MFF and €750 billion for Next Generation EU. The Commission proposed that the recovery instrument should

be funded through one-off borrowing on the financial markets on behalf of the Commission as an exceptional measure in response to the unprecedented circumstances we now face. This would be achieved by temporarily lifting the own resources ceiling to 2% of EU gross national income. This additional funding would then be channelled through EU programmes and repaid over a long period of time, starting in 2028 and running until 2058.

Our discussion on Friday was the first opportunity for leaders to exchange views on these very substantial proposals. I had already set out my views in a telephone conversation with European Council President, Charles Michel, earlier in the week. On both occasions I emphasised that we welcomed the broad thrust of the proposals and the Government's support for an EU response that demonstrates solidarity with those regions and sectors most affected by the pandemic. I also emphasised the scale of the impact that the crisis has had on Ireland, our economy and our employment levels, and the need for this to be reflected properly in the assessment of needs and the related allocation key for any new funds. The metric against which grants and loans should be allocated is the extent to which a country has been impacted by Covid-19, not its past economic performance or its ability to bounce back from a crisis. On the MFF I reiterated that we were open to contributing more to the new budget but only if this protected our vital interests as a country, especially in regard to the Common Agricultural Policy, CAP. The issues which were important for Ireland before the crisis, namely, CAP, cohesion, climate, the Single Market, research and innovation, are even more important now as the country seeks to recover from an unprecedented and sudden shock to the system.

We must also use this opportunity to set Europe on the right path for the future by building a greener, fairer and more resilient, digital and sustainable European Union. As everyone in the House will agree, the CAP is an important, long-standing and well-functioning policy and a vital support to our rural communities, rural economy and farm families. Wider than that, for decades it has also assured all Europeans of a secure and affordable food supply, something we should not take for granted and something not taken for granted in other parts of the world. Despite the increased allocation for rural development under the recovery proposal and the increased allocation for the CAP in the revised MFF, I said that what was now on the table was not acceptable to Ireland and does not yet meet the test of ensuring adequate funding into the future. Our farmers are experiencing considerable difficulties with exports and prices collapsing as a result of Covid, global disruption to trade routes, Brexit and increased competition from third countries. As we increasingly talk about Europe's resilience, we need to underpin a strong agrifood sector that will provide Europe with food security and help us to achieve our climate goals as well. A strong and properly funded CAP is needed to achieve this and we can settle for nothing less.

I also said that Brexit will affect Ireland disproportionately. Whatever the outcome of the ongoing negotiations, we will be affected more than other countries are and any recovery instruments should be designed to respond to that. It is apparent that at the end of the year, the United Kingdom will leave the period of transition now in place and begin to trade with the European Union as a third country. While I very much hope that this will be on the basis of a comprehensive free trade agreement, it will still mean a disimprovement in trading conditions for Irish exporters. Were the UK to leave the European Union - or, rather, were the UK to leave the transition - without a trade deal in place, the consequences would be especially severe for Ireland, which is the most exposed member state.

From last week's discussion, I believe leaders are committed to reaching an agreement, ideally next month, but significant differences exist and it will not be an easy task to find con-

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sensus. There are some areas of convergence. We agree that there should be an exceptional response at EU level to the Covid crisis, it should be financed through the European Commission's borrowings, the funding should be temporary and targeted at the sectors and regions most affected, and the MFF should contribute to the reform and transformation of our economies and societies. However, thinking is not yet aligned on a number of questions. One of these is whether the recovery package should provide only for loans or whether it should be a mix of grants and loans, whether it should deal only with the direct impact of Covid-19 or also pre-existing disadvantages and imbalances, whether conditions should attach to the fund and, if so, which ones, how much the fund should be, and how quickly loans should be repaid. These issues will not be easily resolved in July. Nonetheless, we all expressed a willingness to work together in an intensified way to reach a conclusion at a meeting in person next month. In the coming weeks, President Michel will engage in consultations with all member states before tabling a revised proposal ahead of the meeting in mid-July.

While the primary focus of the meeting was the MFF and the Next Generation EU fund, Presidents von der Leyen and Michel provided a readout of the high-level conference on Brexit that took place with Prime Minister Johnson on 15 June. At that conference, they took stock of the limited progress made to date in the future partnership negotiations. In a joint statement afterwards, both sides agreed to intensify negotiations with a view to building new momentum. Both sides also confirmed their commitment to the full and timely implementation of the withdrawal agreement, including the protocol on Ireland and Northern Ireland. I thank Presidents von der Leyen and Michel and the Union's negotiator, Michel Barnier, and his team for their continued skill and measured handling of these negotiations.

I believe that a deal with the UK is still possible and I expressed my hope that an intensified engagement over the summer will reveal the landing zone for an agreement. I was among several leaders to acknowledge the importance of early and comprehensive contingency planning, given the possibility of no trade deal on the future relationship being reached. Any deal will entail significant disruption to our supply chains, business models and market access and a significant impact on the cost of doing business with the UK. We need to be wise to that. It will also impact our fishermen and seafood industry. The arrangements we have now in this regard cannot possibly be as good in the future.

I also took the opportunity to thank the leaders for their friendship and solidarity with me as Taoiseach and with Ireland as a country over the past three years, particularly when it came to Brexit. I wished them well in the difficult and challenging days ahead.

Deputy Micheál Martin: I begin by joining with the Taoiseach and Deputies who earlier today led tributes to Detective Garda Colm Horkan in expressing our deepest sympathies to his family, friends and wider community. In the days since his murder, people throughout our country have taken the time to show their respect for him and for the forces of law and order which protect us. All who knew Detective Garda Horkan have spoken of a good and decent man, a man rooted in his community and a man rooted in the joy of sport. He was deeply proud to serve in the uniform of this free Republic. His terrible murder has reminded us all once again of the dangers faced by members of An Garda Síochána as they go about their duties. It challenges us all never to take them for granted. Ar dheis Dé go raibh an anam dílis.

Before I move on to the specific issues arising out of last week's virtual summit, I would like to mention Ireland's success in being elected to a place on the Security Council of the United Nations. This is the fourth time we have been chosen by the other members of the United Na-

tions to serve on the council. It was an impressive and comprehensive campaign for which everybody involved deserves congratulations. Fundamentally, as has been the case each time we have received this recognition, the foundation of our success rests on the incredible work of the men and women of Óglaigh na hÉireann and our diplomatic service. Over many years, they have shown unmatched bravery and dedication in the promotion of the visionary and humanitarian ideals on which the United Nations was founded. Eighty-six members of Óglaigh na hÉireann have lost their lives while serving on United Nations missions and every country that belongs to the UN knows of their heroism. It is right that we remember and honour them for the high international standing they have given to our country. Equally, we should acknowledge that our diplomats have an outstanding reputation for their ability to work tirelessly with others to bridge gaps and serve shared interests.

Our record of being an active and positive member of the United Nations was established within a few years of our becoming members in 1955. Whenever the UN has looked for countries willing to promote peace and to fight famine and poverty, Ireland has always responded quickly. During Frank Aiken's time as Minister for External Affairs and during our first membership of the Security Council, Ireland took a leadership role on vital issues such as nuclear non-proliferation and the test ban treaty. This engagement has continued over the years, including in our work on the ban on cluster munitions, which we negotiated in 2008 in an agreement that was concluded at a summit held in Croke Park. This tradition of positive diplomacy and promoting true multilateral co-operation must be as important to our work in our two years on the Security Council as it has been during our entire membership of the United Nations. At a moment in history when human rights are once again under threat throughout the world and the need for co-operation and respect has never been clearer, an effective United Nations is desperately needed. Ireland must do everything it can to make a positive difference in that regard.

Last week's virtual European Council summit was never likely to reach agreement on the core issues on its agenda. However, it does appear that there is substantive engagement and that progress is possible next month. The proposals for a major new recovery instrument to help members of the European Union are very welcome. Twelve years after the absence of a larger fiscal capacity was exposed as a major flaw in the design of the economic and monetary union, there are finally concrete proposals to create new funding programmes. Over the past eight years and during the recent election, Fianna Fáil has consistently supported calls for increasing the Union's ability to actively support economic recovery, the transition to a low-carbon economy and new opportunities for those being left behind, particularly because of technology. President Macron's speech three years ago calling for a transformation in the Union's ability to deliver collective action was, unfortunately, resisted by many countries. That it took an unprecedented pandemic to shift the debate is a sign of the implacable opposition which these necessary developments have faced. What is being proposed deserves much greater attention in public debate because it is a significant step towards delivering a European Union that can become a more active enabler of urgent change.

The Commission's initial proposal is to combine effectively the standard multi-annual budget with new funding, which will be a combination of grants and low-cost, long-term loans. At least initially, this new funding is due to help countries worst hit by the pandemic and the recession it has caused. In comparison with the agenda as it stood as recently as February, this represents a radical change. Chancellor Merkel's support has once again shown her capacity for brave and ambitious decision-making, while President Macron's continued passionate advocacy for a Europe strong enough to take on the challenges of today has persuaded many

former opponents of change.

My party welcomes Ireland's decision to support the new recovery instrument in principle. It marks a move away from the position of last year and marks an important change of direction in our policy. The proposal as it stands has serious problems. Much more work appears to have gone into the financial engineering behind it than ensuring a fair and effective allocation of funding. If the first priority is to support sustainable recovery where the pandemic has had the worst impact, it seems foolish to try to decide allocation before the impact of the pandemic is fully understood. Data published yesterday in France were very encouraging, but it is completely uncertain what the medium or long-term impact will be. This is particularly true of economies where tourism is a major industry.

Before the current budget negotiations began, it was agreed that measures must be taken to ensure we end the practice of governments taking European Union funding yet aggressively undermining the liberal democratic principle to which every member state signed up when joining. It would be unacceptable for this new recovery instrument to be distributed without regard for respect for the rule of law, media freedom, and the agreed sustainability objectives of the Union. In the context of the seven-year budget, the continued attempt to take money away from certain areas to create space for others must be resisted. The only reason there is pressure on the Common Agricultural Policy is an ongoing zero-sum approach to negotiations. The move towards a CAP which encourages diversity of supply, rural development, and environmental sustainability can only be achieved if the budget is protected.

The lack of a dedicated Brexit transition support programme is a concern. The proposals to raise more dedicated revenue for the Union is something we support in principle. However, there are real limits to what is acceptable. Under no circumstances should the need for these revenue options be mixed with the entirely separate and questionable search for harmonisation. Any serious attempt to attach different agendas to the recovery instrument will undermine its legitimacy and delay agreement.

With regard to Brexit, the lack of progress on trade negotiation is a major concern. The position of the London Government has not inspired hope that we can avoid major economic disruption in January. At the very least, it does not appear to be accepting the proposals made last year as the basis for a permanent agreement. There is no positive purpose to be served by spending time now questioning its motivation and tactics. What we can do is to state once again that the core principles adopted by the European Union are founded on the perfectly reasonable basis that one does not get to pick and choose which elements of the Single Market one respects.

Now that the blockade of the Northern Ireland Assembly has been ended, the representatives of the people of Northern Ireland have been loud and clear in calling for London to respect their wish for enough time and space to be allowed for negotiations. They quite rightly object to arbitrary limits on the transition being imposed by London. In terms of our preparation for Brexit, the situation in January was that we were not ready for a possible WTO trading relationship with Britain. In tandem with support for recovery from the impact of the pandemic, we need an urgent programme for making sure that, at the end of this year, Irish companies are ready and supported to survive whatever happens once the transition ends.

This is a moment for the leaders of Europe to act decisively. We face historic challenges. We must help our economies and societies to recover. We must chart a new direction in the years ahead which delivers transformational change for our environment and economies. We

must show that free democracies can survive and succeed, even when facing the most extreme pressures. This was not a decisive summit, but it was part of a new direction which Ireland must play a central role in supporting.

Léiríonn sé an treo ina rachaidh an Comhphobal sa toadhcháí. Ní neart go cur le chéile. Caithfidh baill an Aontais Eorpaigh teacht le chéile go láidir ionas go mbeimid in ann déileáil leis an ngéarchéim seo de dheasca Covid-19. Is léir go bhfuil agus go mbeidh drochthionchar ag Covid-19 ar chúrsaí eacnamaíochta agus ar chúrsaí sóisialta na hEorpa. Comhobair is ea an tslí is fearr chun na fadhbanna a bhaineann le Covid-19 a réiteach.

Acting Chairman (Deputy Alan Farrell): Deputy McDonald has ten minutes. I believe she is sharing time.

Deputy Mary Lou McDonald: I too wish to extend our heartfelt condolences to the family of Detective Garda Colm Horkan and extend sympathies to his colleagues in An Garda Síochána, to his wide and extensive group of friends and families in Cumann Lúthchleas Gael, and of course to the people of Charlestown and County Mayo. An honourable and a brave man has been lost. Ar dheis Dé go raibh a anam dílis.

It is important at the outset to acknowledge it is now four years since the Brexit referendum, and it is a good time to remind ourselves that the people of the North of Ireland have not consented to leaving the EU. They are, in fact, being dragged out of the EU by Tory Brexiteers against their democratic vote. It is also a good time for us to recommit to ensuring that Ireland's national interests are upheld, that the Good Friday Agreement is protected, that the Irish protocols are defended, and that we are absolutely resolute in opposing any return to a hard Border on our island.

Ireland has secured a seat on the UN Security Council. This is a mighty achievement and I acknowledge the hard work of all who contributed to it. It is also important to grasp this opportunity to advance the cause of human rights and justice internationally. It is time now for the Irish Government to stand up for the beleaguered people of Palestine. Thousands of Palestinians have died as a result of the illegal Israeli occupation. Gaza is an open-air prison with an economic blockade. Apartheid walls scar the landscape, and international law is openly and brazenly flouted by the Israeli occupiers whose violent settlement of Palestinian lands has displaced countless thousands of Palestinian people, rendering them refugees. The Palestinian people have been badly let down by the international community. There is strong support among the Irish people for the rights of Palestine, but this has not been matched by those in power.

In 2014, the Dáil voted unanimously to recognise the state of Palestine, and with this, the Irish political system was finally moving beyond symbolism to a principled stance. The then Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, pledged at that time to advance matters further. That was six years ago, and since then the Taoiseach and the Government have refused to act on the democratic vote of this House. Instead, they have retreated to the previous position that now is not the time. In fact, the recognition of the state of Palestine advances the prospect of a peace agreement and bolsters the hope of a stable future for the region based on the two-state solution. It is simply wrong to tell the Palestinian people that we support their call for statehood but then turn our backs on them when they reach out to us for recognition. That is the politics of copping out. That is the politics of the blind eye, and it flies in the face of achieving a lasting peace.

This copping out, we now learn, has extended into Government negotiations between Fianna Fáil, Fine Gael and the Green Party. The decision to drop the occupied territories Bill from the proposed programme for Government was both cynical and wrong. Any incoming Irish Government must take action now to demonstrate our solidarity with those living under the cruel and illegal occupation. When Deputy Neasa Hourigan of the Green Party was asked recently what happened to the occupied territories Bill, her answer was very stark. She said that Simon Coveney happened to the occupied territories Bill. That is an indictment of Fine Gael policy when it comes to the rights of the Palestinian people.

Any incoming Irish Government worthy of the name must take a strong stance against the proposed further annexation of Palestinian lands by the Israelis due to commence on 1 July. This proposal is a reprehensible continuation of open aggression against the Palestinians. The Irish Government must tell Prime Minister Netanyahu that this must stop.

Ireland, with our history of conflict and conflict resolution, is uniquely placed to help to build real and lasting peace in the Middle East. We know that dialogue works and that repression does not work. We know that an inclusive process built on equality and respect works.

I o'clock Dominance does not work. This is the perspective that we must take to the UN Security Council and into our meetings with other European leaders. We need to make a start at home by defending our commitments and by acting in defence of human dignity. The people of Palestine, beleaguered, besieged and betrayed by the inaction of the international community, now look to the world and to Ireland for help, and we must not fail them.

Deputy John Brady: While I recognise that the European Council has yet to reach agreement on the specifics of the roll-out of the Covid-19 crisis response, it is no less than an injustice to Ireland that the EU has failed to recognise the potential severity of the challenge that Ireland faces. Taking a moment to recognise the human cost of the Covid-19 crisis right across Europe, and here at home in this State, where more than 1,700 of our citizens have perished, I also want to bring attention to the fact that this is not the only serious challenge which has presented consequences that this island has been forced to address. Ireland has had to contend with a trifecta of major challenges. They are unprecedented, once in a generation trials, from the banking crisis to the impending challenge of Brexit and, of course, Covid-19.

Under the current EU recovery proposals, Ireland is due to receive just €3 billion of the €750 billion fund, or 0.0143%. This is due to the mechanism being deployed by the European Commission to calculate disbursements, and this is simply unacceptable. The mechanism does not accurately reflect the impact of the virus on the economy. This State has seen the fourth highest number of reported cases of Covid-19 per 100,000 people in figures from the EU, EEA and the UK. It is incumbent upon this Government to demand recognition not only of this fact but also of the substantial human suffering that is being wrought upon the people of this country as it is forced to claw its way back from the chasm of economic despair of the previous decade.

Four years on from the folly of Brexit, we are in the midst of the countdown to the final denouement of a drama that has transfixed Europe. How this will impact us as an island is yet to be fully determined. We know that it will require the kind of response that we associate with a nationally co-ordinated plan of action. If only there was no other unprecedented, once in a generation event to which we must also direct the nation's efforts.

As we are faced with the challenge of formulating a recovery strategy from the Covid-19

virus, we must take cognisance of the impact of the devastation wrought by this Government's austerity-driven response to the previous virus visited upon us, which was the virus of greed. Never again should the ordinary people of this island, including workers and families, be forced to shoulder the burden of austerity. Globally and here at home, restrictions brought about by the lockdown have allowed many the time to reorder what we believe to be important to us in life. Perhaps the Government might take a moment to review its instinctive response to crises and maybe take this opportunity to pivot away from the failed politics of austerity. The regressive measures that have punished the ordinary people of this country while rewarding banking fat cats, vulture funds and speculators who have fed off the misery of others must be left in the past.

We must look to the future, offering confidence and compassion. The Government must assume the role of protector of the citizenry of the State. Our response must be one of investment in people, infrastructure and business. As IBEC warns that, without drastic intervention, thousands of businesses face bankruptcy within six months, we must develop a mechanism to protect business leaseholders who are being asked single-handedly to take the hit for rents owed over the period of the lockdown. Elsewhere in Europe, such as in France, the emphasis is on sharing the burden between Government, business and landlords. We must do everything that we can to protect small and medium enterprises and otherwise thriving businesses which are faced with potential closure through no fault of their own. The burden of recovery must be shouldered fairly. As the Taoiseach himself previously stated, we are all in this together.

Deputy Eamon Ryan: On behalf of our party, I pass on our sympathies and prayers to the family of Colm Horkan following the terrible, tragic loss of his life in the line of duty last week. It reinforces the sense of pride in An Garda Síochána and the founding principles of that organisation, which involve policing with the trust of the people, which is reinforced when one sees the like of his service and the loss that his family has suffered. As others have said today, ar dheis Dé go raibh a anam dílis.

I join in congratulating the Government, the Department of Foreign Affairs and Trade and our diplomatic service for securing a seat on the Security Council at a time of real uncertainty in the world. It is a vote on behalf of small countries and for the need for small countries to stand together in the world in these uncertain, difficult times. It is also a vote in support of the multilateralism that this country has always espoused, not just in our membership of the European Union but within the United Nations, the work of our peacekeeping forces, our involvement in various climate treaties and so on. That willingness to be global in our thinking even though we are a small island secured us this seat.

As we look forward to taking the seat up next year, it is a time of real risks, uncertainties and dangers in the world. One can see it in the response to the Covid crisis where different approaches have seen different results. In general, the European Union has shown that democratic, open societies can manage to pull people together to produce a response which saves and protects lives, particularly when one looks at the figures for what has happened in Europe compared with what is happening in the United States, Brazil and other countries, where a different emphasis on what is important and how we organise has seen a different result. That need for multilateralism is also seen in what is happening in the ongoing trade wars and the unwelcome withdrawal of the US Government from the OECD process of looking at how we regularise, improve and close loopholes and stop corporate tax evasion, which has bedevilled our world.

I encourage the Government to support the proposed Next Generation EU recovery fund and the expansion of the multi-annual financial framework, the €1.85 trillion package that the

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European Commission has presented. It is vital that that is agreed at the next European Council meeting, which will happen in person, because time is of the essence and we need to be fast. I support it because I believe the focus on investing in a green and digital transformation is right. It is right for Europe because if one looks at Europe's place in the world, such an emphasis on funding that green and digital transformation will help in various ways. We grew up in a world where the wealthiest 20% of the world, the West, consumed 80% of the material resources. That was never right and it will not be possible or right in the future. If the world is to manage the challenges that it faces, it will have to see more equal distribution of wealth and consumption of resources across the developing world as well as the developed world. Going green and being efficient in using less by using digital technologies to maintain our quality of life without consuming all those materials is the right long-term strategy for Europe. It will also see a contraction of some of the supply chains that have grown in recent years, particularly in the development of industry in China since that country joined the World Trade Organization, WTO, and a return to reliance on local industry. That will be hugely beneficial in Europe. I believe the root cause of much of the rise of far right, anti-migration and other sentiments in the European Union has been the loss of jobs and industries in traditional communities across Europe. Going green and going digital and bringing supply chains back and having greater diversity of sources of supply makes sense and the Covid-19 crisis has shown us that is a much more secure system.

The third reason this makes sense for Europe and Ireland is that we have real expertise in these areas of green and digital technology. Europe has been ahead in many instances of other continents and other countries. It has been seen to have lost some of that early starter advantage, but I believe we can win it back. It is also the right and appropriate strategy for this country. The green revolution in transport, agriculture and energy will bring to this country all the benefits I have cited as existing for the rest of the European Union. It is critical that the two go together, because the digital technological transformation is one of the key components in achieving the revolution in transport, energy, agriculture and land use. The use of digital technologies in those revolutions and changes is one of the key components in getting it right.

To do that, we need to focus on the ethical rules and investment in the soft elements and not just the hardware. We need to invest in our media and information systems so that our democracy is well informed and can make the right decisions around those ethical rules. As the home and centre of many international social media and other digital companies, we need to set the right ethical rules, and new rules, for those businesses, recognising they have a duty of care not just to maximise profit but to show that this digital revolution is something that will benefit people rather than just companies. We have to set the rules so the ownership of data, particularly as we move and develop new health tracing systems, show best practice in respect of citizens being at the centre of this digital revolution and not corporations. The countries that get that right are the countries that are going to see the most progress, investment, development and benefit.

Also in that regard, in this digital and green revolution we will have to manage whatever Brexit may bring. I will take the example of the green energy revolution. We will move towards a 100% renewable energy system. To get that right, we have to balance the power supply over a wide regional area. I believe we will move to a north-west European regional electricity market, which really will ship power over long distances and match hydropower from the Alps and Scandinavia with solar from the south and wind from Ireland. Balancing that is going to be the key to success. That is happening and that is where money is going to go.

We happen to have the particular difficulty in having the United Kingdom between us and

the rest of that regional market. Whatever we do in the Brexit negotiations, therefore, and in managing what is going to be a very difficult process, we must ensure we get agreement on the mechanisms to allow us to continue to connect to the UK, to balance our power supply with the UK and to connect the UK to the rest of the north-west European regional electricity market so we can run our whole economy in this electrical, renewable and sustainable way.

I argue it is the same when it comes to digital services and rules and guidance concerning digital technologies. I do not believe it would be effective for the UK to have a completely different rules-based system for Internet commerce or personal data management. In the end, I believe the UK will have to follow the GDPR rules and standards set within the European Union. How we manage that, how we convince the UK authorities of that and how we organise that is going to be one of the most difficult diplomatic challenges we will face in the next year and onwards.

We must do all of this while also investing here at home. It is in our interest to get answers to those questions set out by the Taoiseach regarding what is agreed. It is right that there will be borrowing at scale, targeted in this new recovery package. We should be liberal in our thinking about considering grants and not just loans, and we should seek to ensure there is real scale beyond ambition because the scale of the transformation we have to make is so great. It is in all our interests, in Ireland and Europe, to be good at this. We should minimise the conditionality, the difficulties and the restrictions; we have to be fast in doing this. I hope that is what we will see happening in the next month with agreement on that recovery fund.

Deputy Brendan Howlin: I begin, like others, by expressing my sincere condolences to the family, friends and work colleagues of the late Detective Garda Colm Horkan. The whole country was shocked when the news came of his brutal murder. It has united the nation in grief and has underscored for all of us the importance of our police force, An Garda Síochána, the protectors of the peace. Unlike many police forces, members of An Garda Síochána are not law enforcers. The force was founded as a protector of the peace and by and large its members are unarmed people who work so assiduously in our communities to preserve the peace. It is really important that we stand in solidarity with our gardaí when one of their members is so brutally taken from them.

I also congratulate the Tánaiste and the Minister for Foreign Affairs and Trade, Deputy Cooney, and the Minister of State, Deputy McEntee, on the success of the Irish bid over many years. Many Ministers and many Governments have been involved in various parts of the campaign to secure a seat on the Security Council of the United Nations. I know it is not normal to mention individual civil servants, but Ambassador Byrne Nason, who is our ambassador to the United Nations and was the pivotal person in recent times in organising the campaign, has played a pivotal role. It was my privilege to work with her when she worked with the Economic Management Council in a previous administration. Her skills were evident then. It is a great tribute to Ireland, because it was a difficult battle to get a vote in excess of that of a very international country like Canada. We did it because of the values of Ireland expressed over many years.

It is a challenge for us now to be true to those values while Ireland is on the Security Council. Other speakers have referenced, for example, the plight of Palestine and the Palestinian people. We must go beyond lip service regarding that issue and be moral leaders in pushing that agenda. Decades and generations have passed while that issue has been a running sore in international affairs. There will be other challenges next year regarding the playing out of

the Covid-19 disaster across the world. We can see what is happening in South America now. I listened very carefully yesterday to the views of the World Health Organization, WHO, regarding the impact of Covid-19 in Africa, which is yet to suffer the full impact. That could be devastating and we need to have a sense of solidarity. I am already a little concerned that some European countries are banding together to have first dibs on any vaccine that might emerge. Any such vaccine, if achieved, has to be a universal, international human property and must be distributed in an open way to everybody as quickly as possible. These are the challenges I think we will have to face while Ireland has its seat on the Security Council, but we will have many opportunities to discuss our role in the United Nations when that seat is taken up.

Regarding the European Council, there was, unusually, no shared post-Council statement. Instead, a short set of remarks was released by President Michel on behalf of the Council. As the Taoiseach already informed the House, the main focus of the debate has been money. I can assure Deputies that it is not the first time for that at European Council meetings. I refer to money for the multi-annual financial framework, MFF, for the European Union for the next seven years and the new recovery fund. As I said the last time I spoke in the House, I am glad there is at last international solidarity within the European Union on recovery. That solidarity exists because everybody is affected by the pandemic. When we were arguing for eurobonds for the countries affected by the most recent economic crisis, solidarity was slow in developing and never developed to the extent that it should have.

Charles Michel, President of the European Council, signalled that a consensus was emerging about the recovery fund but that difficulties requiring further discussion and negotiation remained. The Taoiseach has alluded to some of those difficulties. For Ireland and some other countries, the big issue is obviously the distribution of the funds that will become available through the new recovery fund. How will that money be divvied out? I raised this matter with the Minister of State two weeks ago when we debated this matter most recently. It was signalled then that we would get something like €3 billion from this very large fund. That sounded, and is, a paltry sum considering the impact that Covid-19 has had on our economy and people. I asked the Minister of State to confirm the figure of €3 billion and she stated that was the initial indication. I also asked what was the status of the Irish-Belgian request that Brexit be factored into this consideration. I would like to hear specifically what progress has been made on that.

We must also determine whether this money will be given by way of loans or direct grant payments. There was some indication of the breakdown of the initial €750 billion, namely, that it would be given partly in loans and partly in direct grant payments. If we are told we can borrow €3 billion from this fund but must pay it back, that would be, quite frankly, pointless and useless. We can borrow money at historically low interest rates. We do not need a new fund to do that. For example, this week, Ireland, through the NTMA, borrowed €750 million in short-term treasury bills. Those are only short term and are historically lower than long-term bonds but, notwithstanding that, we borrowed that €750 million for six months at a negative yield of 0.49%. We were given money. We were paid to take that €750 million and the issue was 3.8 times oversubscribed.

In terms of longer term money, which the money available in the fund will be, on 9 June, the NTMA borrowed €6 billion in a ten-year bond at a yield of 0.23%. That means we can now borrow money at an interest rate of less than one quarter of 1%. The ability to borrow money from this new fund is no concession at all because borrowing is not the problem. We need the ability to have direct cash. I understood that the idea of the new fund was as an extension of cohesion funding so that countries that have difficulties, as we had when we joined the European Union,

are given cash payments and not loans.

The following matter also interests me and we can discuss it further when we have the chance to ask questions. What is the timeline for the distribution of the money? Will it happen, as the Taoiseach indicated, between now and 2024 or will it be during the entire duration of the multi-annual financial framework, MFF, which runs until 2027? Money at the end of that period would be of little value.

I have only one minute left but I want to talk briefly about Brexit. The *Financial Times* has reported rising hopes of a compromise between the EU and the UK. It stated that diplomats had confirmed a shift in mood. There is not going to be an extension to the transition period. The article suggested a middle ground shift on fisheries, which caused me some concern and about which I will ask the Minister of State some questions later. What does it mean? When I raised the issue in our most recent discussion I was told there was no shift from the mandate given to Michel Barnier. It has now been reported that there has been a shift of position. The Taoiseach indicated we would never get a position as good as the one we have now. What is the new negotiating position? Has there been a shift?

On the issue of the level playing field, the UK will, apparently, accept EU standards initially while retaining the right to alter them in the future, at which point new tariffs would be applied by the EU. That is no basis to plan a trade agreement into the future. To do so would be to build an agreement on sand and uncertainty.

I wish I had more time but I will be able to tease out these matters when we have the chance to question the Minister of State later.

Deputy Cian O’Callaghan: I join my colleagues across the House in expressing my heartfelt sympathy with the family and friends of Detective Garda Colm Horkan and his colleagues in An Garda Síochána. We stand with them today.

I also commend everyone who worked hard to secure for Ireland a seat on the UN Security Council. It will provide an opportunity to show leadership on climate action and to be a strong voice for human rights and international law.

There are two points worth noting about the proposed EU recovery fund. As previous speakers noted, Ireland was expected to receive the third lowest share of the funds from the original proposal, despite being projected to have the third largest negative revision of GDP in the autumn and spring forecasts of the European Commission. The Commission formula relies upon GDP as an accurate measurement of economic activity. However, Irish GDP and GNI are heavily skewed by the investment activity of foreign multinationals and investors, rather than the activity of the domestic economy. Therefore, the Commission proposal was also heavily skewed as a result of the attractiveness of Ireland for foreign direct investment.

In addition, as a small, open economy, Ireland is more vulnerable to global trade shocks than other countries and the EU must take this into account. While a revised methodology is likely to see Ireland move closer to an average level of support from the programme, the underlying issue of Irish GDP being a fundamentally flawed indicator of the health of the economy remains and needs to be addressed.

I turn to the proposed taxation and revenue raising measures which are needed to finance the EU recovery fund. New EU-wide taxes are proposed, including a plastic tax, a digital tax

on big tech multinationals, a tax on carbon intensive industries and a levy on larger companies that benefit from the Single Market. Following the Council meeting on Friday, French media indicated that a common consolidated tax base or digital services tax could be on the table to help the EU fund the rescue package. As a result of decisions taken in the past decade, Ireland will be one of the countries most directly affected by the introduction of these taxes.

Furthermore, there will be a cost if revenue raising measures are not agreed. Governments would either have to pay more from their own coffers to service the debt or shrink the size of future EU budgets, meaning less money will be available for agricultural subsidies, cohesion or climate action in the future. Will the Government continue to oppose these measures despite the social justice and solidarity implications, to say nothing of the ultimately flawed nature of this model of economic development, or will it use this crisis as an opportunity for reform? We need clarity about the position the Government is taking and what revenue raising measures it will support at EU level. If the Government remains committed to this economic model in the long term, the future implications are for an even harsher economic shock and adjustment period than would be necessary now. The long-term environmental challenges we face as a society must also be included in any strategy designed to get us through this economic crisis. Otherwise, we face another painful adjustment in the years ahead.

On that issue, it is welcome that the Green New Deal is featuring as part of the EU stimulus package and approach being taken. At the same time, however, analysis from Greenpeace shows that a raft of Europe's pandemic stimulus measures, such as tax relief for businesses and reduced excise duties on fossil fuels, are benefiting polluting industries. Gas and oil companies, car makers and other polluting industries are cashing in thanks to bailouts and other forms of state aid. On the one hand, the European Union is directing large-scale stimulus into the Green New Deal and that is very welcome, but on the other hand, public money is being used to protect and subsidise toxic and polluting industries. The absence of environmental conditions in state aid is counterproductive in the long term. It is somewhat akin to the practice of the Government in funding the building of homes that are reliant on fossil fuel heating systems which will need to be retrofitted at cost to the taxpayer in future years. We must stand by the principle that every euro invested today should be future-proofed with environmental and social conditions. The European Commission must take action to stop investment of public money in toxic industries and ensure a green recovery consistent with the Paris Agreement.

While the EU Green New Deal is very welcome, we must ensure that across the European Union our policies align with sustainability and climate action. For example, the issue of trade with Brazil is important. While world emissions of carbon dioxide will fall by about 7% this year due to the pandemic, Brazil's emissions will rise by between 10% and 20% from 2018 when they were last measured. This is due primarily to deforestation. In the first four months of 2020, an estimated 464 square miles of the Brazilian Amazon was cleared. Tree loss is reaching a tipping point after which trees will dry out and die, releasing billions of tonnes of carbon into the atmosphere. Demand for beef and soya is driving this process and the European Union is the second top destination in the world, after China, for soya exports from Brazil. There are a number of actions that the European Union must take to address this. First, there should be a ban on imports of soya, in particular, and beef from lands that have been deforested. This means banning imports where there is no effective tracing to prevent products from entering the European Union through the back door. Exporters mostly record the land where their cattle are fattened, not where they were reared. Second, the European Union must ensure that consumers are told by supermarkets where their beef and soya come from through robust tracing and

labelling. It is no good crying foul when fire rages, destroying the Amazon rainforest. We need effective action on trade, tracing and labelling to be taken now.

I want to address the need for human rights in the European Union to be addressed at European Council level. I have spoken here before of the situation in Poland where a third of Polish municipalities, some 90 towns and cities, have established so-called LGBT-free zones. I have written to the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, about this. It is a flagrant attack on human rights and is not acceptable in the European Union. Likewise in Hungary, Viktor Orban has clamped down on civil society and sought to undermine civil society organisations that criticise government policy. In May, Hungary passed a law banning trans people from legally registering a change in their gender, putting them at risk of harassment, discrimination and violence. This is in no way acceptable. There must be a strong united and co-ordinated approach across the European Union that stands firmly for human rights and against the targeting of minorities. It is essential that the Government raise its voice in defence of human rights and not continue to leave it to other EU states to call out unacceptable targeting of minorities by the Governments of Poland and Hungary. Other EU states are doing that.

On the very important issue of Palestine, we need leadership at this time. It is disappointing that the occupied territories Bill has been dropped from the programme for Government. It sends the wrong signal. The Bill is consistent with the exception allowed for in EU law, which enables states to unilaterally ban imports of certain goods on the grounds of public policy. For the avoidance of any doubt, the Bill could be passed and then tested by the European Court of Justice. We need more than strong words from the European Union at this point to prevent the annexation of land in the West Bank. We need action. There is no indication from the Government or from the European Union that any effective action will be taken. A policy of appeasement in respect of Israel clearly has not worked. We cannot accept the grave injustice of any annexation of land against the Palestinian people, nor can we have any tolerance for land grabs. It is worth noting that the EU has clout, as it is Israel's top trading partner. Israel has a privileged trade relationship with the European Union. Its goods are subject to preferential tariffs under the EU-Israel Association Agreement. Furthermore, Israel participates in the EU Horizon 2020 research funding scheme. A united, cohesive European Union is reliant upon upholding the principles of international law and human rights. We need effective action at European Union level and we need Ireland to show leadership on this. Words are not enough.

Deputy Gino Kenny: I am sharing time with Deputy Barry. I raised the issue of Palestine with the Minister last week. Israel has vowed to annex the Jordan Valley, which makes up 30% of the occupied West Bank, this time next week. The EU has specifically stated that if Israel makes this move, it will be contrary to international law and decency. If this action takes place, what will the European Union do to penalise the state of Israel? As Deputy Cian O'Callaghan has said, this is against the background of the occupied territories Bill being omitted from the programme for Government. It is no coincidence that the Israeli ambassador as well as US Congressmen and Congresswomen had been lobbying the three parties on the programme for Government. We can see what is at play. With all this in the background, in respect of the EU and Israel and the economic trade between them, what penalties is the EU going to impose on the state of Israel for its aggression and its proposed annexation of the West Bank?

Deputy Mick Barry: The pandemic has hit the aviation industry hard. How can European governments respond to this crisis in aviation? In Germany, Lufthansa received a state bailout of €9 billion and in return the state took a 20% stake, making it the largest shareholder. Presumably this gives the German state significant leverage now in determining airline policy. The

option that I would favour is the nationalisation or renationalisation of airlines. This would allow the State to act directly to defend jobs, wages, conditions and services. The next crisis, the climate crisis, could then be met on the basis of a just transition policy free from the agendas of profiteers. However, the caretaker Government seems to be operating on the basis of a third option. This involves the State providing subsidies while allowing the owners of the airline a free hand in driving down the wages and conditions of their workforce. CityJet has sought the protection of the Irish courts and this has been granted by way of examinership. Examinership is meant to protect a company from its creditors while jobs are being protected, possibly through restructuring. That is not what is happening here. The airline's Cayman Island shareholders are being protected from the creditors while the airline shuts down its Dublin base, cuts its workforce in half and offshores Irish jobs by way of hiring new staff through Copenhagen on contracts that offer lesser wages and conditions. The CityJet situation highlights the particularly vulnerable position of precarious workers in an industry where a majority of people who work on Irish-registered aircraft for Irish-registered airlines are no longer directly employed. This vulnerability has been facilitated by Fianna Fáil and Fine Gael Governments in recent times.

I do not have time to deal with the Ryanair situation so I will deal instead with the question of Aer Lingus. Aer Lingus workers were hailed as national heroes when they loaded, crewed and flew planes to China and back to bring us the personal protective equipment, PPE, that our health service so desperately needed. However, the heroes are now being treated as zeros by the ruthless vulture capitalists who run Aer Lingus and are now exploiting this Covid crisis to drive through measures they have wanted to introduce for years. Instead of sitting down with the unions to discuss options which the workers themselves put forward such as career breaks, part-time work and other rescue measures, the company is trying to take unilateral action by imposing the following shock-doctrine, race-to-the-bottom terms on its workforce. It proposes 500 redundancies, reduction of pay to 30% of pre-Covid levels, hiring of casual, so-called contingency labour, banning strikes or any form of industrial action until February 2022 and telling pilots that they have a certain number of weeks to consider their options but that all the other staff members must make decisions now.

Let us break down some of those figures. When one takes the temporary wage subsidy into account, 30% of pre-Covid levels means Aer Lingus can employ a considerable number of low-wage workers and pay them nothing or, in some cases, marginally above that. The company's original proposal of 50% of pre-Covid wages means that a worker who was previously on €800 a week will take home €400 with €350 paid by taxpayers and a mere €50 by Aer Lingus, with the company paying a pension contribution of zero. Aer Lingus workers tell me that a continuation of that policy into next year, combined with the ending of the mortgage payment freeze, would result in families being unable to make mortgage payments and in the spectre of airline workers losing their homes. Meanwhile this caretaker Government, which has subsidised 4,300 Aer Lingus pay packets to the tune of €18 million to date, stands idly by and takes no action to make its subsidy in any way conditional on an end to management by diktat and the opening of something that would resemble genuine negotiations. Members should recall this is a company, privatised between 2006 and 2015, that has recorded profits for the best part of a decade including €276 million last year, €305 million the previous year and which has cash reserves of €900 million. Moreover, it has a parent company, IAG, which made profits of more than €3 billion in 2018, yet it says it cannot afford to have genuine negotiations with its workforce.

I congratulate the Aer Lingus cabin crew, members of Fórsa, who voted by a three to one majority - even with a gun to their heads - to reject the company's terms. The workers repre-

sented by SIPTU must now have their say. I stand for the renationalisation of Aer Lingus, with compensation only to be paid based on human need, not giving vast payouts to vulture capitalists who pursue policies such as this. I put Members of this House on notice that in Cork, on Shannonside and in the north County Dublin constituencies, there will be a surge of workers' anger in the weeks ahead if a new Government does not at the very least intervene to stop the Aer Lingus vulture capitalists from exploiting State subsidies while the company tries to walk all over the rights of its workforce. That will not be tolerated.

Deputy Thomas Pringle: I am supposed to be sharing time but the other Deputies may have been caught by the times moving. Things are happening in Europe. Things seem to be slowing down with Covid-19 but things are moving on behind the scenes. One thing which was meant to come up was the conference on the future of Europe. I note Ireland and 11 other countries sought to attend, one would expect it would be an automatic attendee at a future of Europe conference, but it seems that only Germany and France are attending. That says a lot about the European Union and its whole concept. We know that Germany and France are calling the shots but it is interesting for it to be so blatantly laid out. It is very worrying that it would go ahead and that Ireland and others would have to write to ask to attend. Angela Merkel has confirmed the European response to the crisis might require treaty changes. Perhaps she will update us on what they will be in the coming years.

The deal with Mercosur has yet to come up for adoption at the national parliaments. Hopefully it can be held up here but a new Administration comprising Fine Gael, Fianna Fáil and the Green Party will probably railroad it through anyway. There are serious implications in respect of what is happening with that process. We should be very careful and should strongly mark Ireland's concerns regarding environmental protections and on how Brazil and Argentina do their farming. I note that 149 pesticides used in Brazil are banned in Europe. What measures do we have to ensure they will not come through and be imported into Europe? They will probably go straight ahead with it.

Europe also is expanding its military might and power throughout Africa. The German armed forces are increasing their presence in Mali and there is increased expansion into Niger, Burkina Faso, Mauritania and Chad. German and European forces will be moving into those processes as well. I am interested in how the Minister of State envisages Ireland's role in that regard. Ireland already operates in Mali and we will move to further integrate within the European military structure. What will be the Government's view in respect of its development in the future? We should be very concerned about that.

Brexit and its implications, which will be big, have not been mentioned but there are many more pressing issues. Brexit, the Mercosur deal, the ongoing militarisation and the future of Europe are all crucial.

Deputy Marian Harkin: I have been listening to the debate. I had hoped the Taoiseach would be here. The last time I addressed him in the Chamber, I spoke of grant aid which the German Government is providing for small businesses. I mentioned a figure of €50 billion. He told me he had not heard that and asked that I send him the information and I have done so. I will quote the German finance minister when he announced this measure. He stated:

I want to make a crucial point: We are providing grants, not loans. Nothing has to be paid back [to us]. In this way, we're taking action to reach the people who urgently need our support right now.

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I had asked the Taoiseach whether the Government would look again at grant aid for small businesses, many of which are now in the process of making decisions on whether to reopen, as well as those that face a mounting wall of debt from utility bills, insurance and so on over the past few months. People are now making decisions as to whether they will reopen. While some grant aid is available to businesses based on rates paid, for those who do not pay rates for many very legitimate reasons, there is no assistance.

That is a very small fund compared, for example, with what some of our European counterparts are paying. This was my question for the Taoiseach. I hope he can respond in writing.

I have two further questions for the Minister of State. The European Council, after its meeting, referred to maximum flexibility in the application of the budget and state aid rules. What flexibility has the Government shown on state aid rules as far as some other companies are concerned? I asked the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, whether an analysis had been done on the flexibility we have shown on state aid, how that compares with other EU countries and whether any companies or businesses here are suffering as a result. Some of my colleagues spoke about IAG, Aer Lingus, etc. While I know there are issues in this regard, is there any possibility that the Government would consider providing state aid to Aer Lingus, similar to that which the German Government has provided to Lufthansa?

The proposed new recovery instrument, Next Generation EU, is worth €750 billion. When added to the multi-annual financial framework, we are looking at approximately €1.85 trillion. It is very clear, as the Commission has noted, that this will require increased own resources. What is the view of the Government on the issue of increasing own resources? The European Parliament has called for this for some years but there were always blockages within the European Council. I know this is an emergency but can I have a general indication as to what our Government's view is on this issue?

Acting Chairman (Deputy Alan Farrell): Given the progress that we have made as regards time, with the agreement of the House, I propose that we allow Members from the Rural Independent Group to speak for ten minutes. I call Deputy O'Donoghue and then Deputy McGrath to speak.

Deputy Richard O'Donoghue: I thank the Cathaoirleach.

I understand that €540 billion was assigned to a recovery programme for workers and businesses in Europe, in particular to strengthen the resilience of the health system and promote innovation in it. How is this being monitored in Ireland? Are we proactively working with our stakeholders, including our wonderfully innovative pharmaceutical companies, to engage with this programme? If we are being rewarded for innovation, is the Government consulting the many Limerick-based pharmaceutical companies, such as Regeneron and Stryker? While the total fund for Europe is €540 billion, the figure mentioned for Ireland is €2 billion, although I believe that may have increased to €2.7 billion. Are we pushing to get more of this funding? Are we getting our fair share of the pot?

In economics, Europe's policy for business is to ensure maximum impact, minimise administrative burden and avoid duplication. This is not what I am hearing on the ground. There are six or seven-page application forms for grants with questions on cash flow and projections. These are difficult for small and medium enterprises as they are frustrated trying to open for business and do not see funds coming through. There are several examples of SMEs starting up

in Europe which have had cheques posted to them. In one case, a restaurant received €50,000 in the post. Why are we so different? Big ideas in Europe are cumbersome for SMEs in Ireland because they do not see them materialising. They are tired of the process. All they see with regard to grants is a mirage and they are unsure if they qualify for them. This is the reality on the ground. I hate to waste time talking about accountability and simplifying application systems, whether it is applying for an SME fund or for a street light in the community. Procedures have to be simplified because they act as barriers to doing business. I challenge the Government and the next one to ensure we apply enough pressure on Europe for funding. Could we potentially get more from Europe? God knows, we deserve it because Ireland has been a loyal partner on Brexit and the banking crisis. My understanding is that some €100 million has been drawn down from a fund of €650 million. We have to ask why this is the case. Do we have the wrong schemes? Is the process so cumbersome that our SMEs are starved of cash?

I have sought help from the Government for a company in Limerick which has been manufacturing PPE for this country. I have given the Government paperwork on this based on a €2 million investment in Ireland which would be cost neutral after three years. This project would create 40 jobs in east Limerick, where jobs like this have not been seen in years. I see from the Internet that the Government has given €102 million to a company with 12 employees in County Clare for the supply of PPE. There are 90 people working in this company in Limerick and it is projected it would employ 40 more if it had an investment of €2 million over three years. This would be cost neutral and we would have PPE manufactured in Ireland and jobs created. However, we see €102 million going to a company with 12 employees. How many people in the Government are self-employed? How many of them understand business and job creation? What sectors do they come from? We have seen how farming and businesses have been let down. It is evident that the Government does not have know-how. Why does it not ask Independent Deputies? How many independents are self-employed or from business backgrounds? They have massive experience. The Government has centralised everything in Dublin, which it does not wish to leave. For years, it has let us down. It is about time it asked for this help. We will help and I will help anyone but the Government should listen to us.

Deputy Mattie McGrath: I thank the Acting Chairman for allowing us to speak. I also thank my colleagues in the House. We were watching the monitor and did not realise that the Regional Independent Group did not have a speaker. I was present for the Taoiseach's speech. On that note, I convey my thanks again to the Chair.

The Taoiseach mentioned a meeting and an engagement with six countries in eastern Europe, which are interested in joining the EU. He also spoke about the ambitious recovery plan and a meeting with the President of the European Central Bank, who painted a very stark picture of recovery up to late 2022. If the so-called green, blue, and lighter green deal gets through next week, the Taoiseach may hope to be back holding the reins again when the money starts to flow again. There may be some subtle thinking going on there as he may know something more than some of us here know.

On the issue of demonstrating solidarity in Europe, the EU did not demonstrate solidarity in the past. When the banks collapsed here, we were robbed blind by our EU colleagues. We got money from the International Monetary Fund at an interest rate of less than 3% whereas our so-called friends and partners, to whom we had been so loyal, charged us almost 6% - 5.9% to be exact. Where was the solidarity there? We need to be kicking and hammering the table. I appreciate the Minister of State's job but we need to get bang for our buck and as much of the funds and corona bonds as possible because we need it for our businesses, as Deputy McN-

mara just pointed out. Why would they give it to us when they see the way our Government treats small businesses?

Take the rates moratorium. I have had endless numbers of people in Tipperary on to me in the past week getting their second moiety bill for a full rate for 2020. They have been shut down by the Government - we all, in fairness, myself included, agreed to that - and denied the power to work and to continue to earn revenue in order that they could pay their rates. I am told, however, by the local authority in Tipperary that the Government has not given them a penny. That is why. The local authorities are legally obliged to send out the second moiety. They have no indication as to the holiday for the three months they got at first or the parking of it. Is it to be extended for another month or two, which it should be? They got no funding. That is the way the Government is blackguarding local authorities and, by extension, blackguarding the ratepayers. These are the people who keep our towns and pay the rates - generate the money, employ people, pay their taxes and pay rates for which they get so few services any more. One time, when I was a duine beag, they got many services, there were corporation staff and they got refuse collection, water and everything. They got maintenance of the streets and footpaths. Now one would not get an eggcup of salt in a frost or anything else, and one is expected to pay the rates. One restaurant owner's rates are twice as much as they were last year. That is shocking. They have been blindfolded and their hands tied behind their back and not allowed to work, and now they are not getting a break. Of course, there are big announcements, public relations, PR, and spin. I saw the Taoiseach last night called Sinn Féin "the spin party", but he is the man with the spin and the big spin machine. That was all announced in a blaze of glory. We all welcomed it. Now, show me the money. They cannot see the money. The local authorities are sending out the bills for a full year's rates. This is the second moiety. It will be due in July. I salute the ratepayers up and down Tipperary and the rest of the country who have been paying their rates.

When we had rate collectors, they had a good relationship and they always paid them. The farmers paid their rates too when they were there before we had the great giveaway in 1977, when we started the auction politics and when I, like an eejit, was putting up posters on the poles, much to my regret, saying we welcome this and no car tax. We have paid the price ever since. The auction politics is still going on. We have a leader now who would give anything to get into the Taoiseach's seat over there. I mean a Fianna Fáil leader, not my leader, I would say, thanks be to God, and meaning no disrespect to Deputy Haughey. If the Deputy's late dad came back, he would put manners on many of them and they would be a party to support and admire.

Why would Europe give us the money when they see the way we treat funds that have come from Europe? What do we do here with our legions of bureaucrats? We add more statutory instruments on statutory instruments and more amendments. We make it three times or four times as hard. The French people would not take it. The Germans would not take it but we are the patsies in Europe. We take everything. We are the good boys in Europe. Now it is time for Europe to show solidarity with us here. The Taoiseach mentioned it there, but he should show me the money. It is fine to mention it but we need to see it in hard cash. We need schemes that support the farming industry in Tipperary and small businesses all over the country. They are on their knees and they are pleading. Above all, they have been denied the right to continue trading and now they are not allowed any supports where these were promised.

Acting Chairman (Deputy Alan Farrell): That concludes the statements element of this discussion. We now enter the questions and answers section, starting with Deputy Haughey.

Deputy Seán Haughey: The EU faces a number of challenges at this time, including the Brexit negotiations, climate change, economic recovery following Covid-19, the conflict in Syria, the faltering EU-Turkey migration agreement, and threats to the rule of law in Poland and Hungary. We are fortunate that Germany takes over the Presidency of the European Union next month. Chancellor Merkel's wisdom and experience will be called upon in spades for the next six months.

I have only two questions. My first question is in relation to the Next Generation EU initiative. This, we are told, will be a mix of grants and loans. To repay this, the European Commission has brought forward new own resources proposals, including, for example, an extension of the emissions trading system based on own resources to the maritime and aviation sectors, a carbon border adjustment mechanism, a Single Market levy and a digital tax. What is the Irish position in relation to these own resources?

A digital tax would, of course, cause problems for companies here in Ireland such as Google and Facebook. Is our economic model, which relies on a low rate of corporation tax, under threat? The OECD is due to complete its examination of this issue by the end of the year. The European Commission seems intent on introducing a new EU levy on digital services, as well as a minimum corporation tax, if the OECD process fails. While Ireland of course has a veto, the pressure on us to yield on this point is increasing all the time. Does all of this pose another challenge to our economic recovery and to our foreign direct investment? We are heading for a perfect storm and I would be interested in the Minister's views on that.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): On this issue, as the Taoiseach outlined earlier, the Next Generation EU financing will be raised by temporarily increasing the ceiling on own resources to 2% of the EU gross national income. This will allow us to borrow the money. In terms of how we repay that, this is a debate that is still ongoing and on which there has been no agreement. Ireland's perspective has not changed. We have said - this is an agreement that has been reached by all member states - a tax on plastics is something that we would agree on. We have said that we would consider looking at the proposals regarding the emissions trading system, ETS. However, in terms of the common consolidated corporate tax base, CCCTB, or digital tax, as the Deputy outlined, we would be highly sceptical. Particularly when it comes to the digital tax, we believe that this is an issue that should be addressed through the OECD process. It is a global issue and it should be dealt with on the global stage. Our position on that has not changed. There are obviously different views. This is the first time that these proposals have been dealt with since the introduction of the Next Generation EU fund. Obviously, we want leaders to be able to reach an agreement by July.

This is our position. We support the introduction of plastic-based taxes and possibly a look at the ETS, but all of the other issues we see as being potentially problematic.

Deputy John Brady: Deputy McDonald outlined in her contribution why it is critical that we would recognise the state of Palestine, a motion on which was passed by the Dáil six years ago. At this critical juncture in time, it is important that all the leaders of all the political parties here in Leinster House would commit to this happening at this point. When I say it is critical at this point, obviously, major things are happening in the Middle East, particularly the annexation by the Israelis of the West Bank. It is critical, if we are to salvage any prospect of peace and a two-state solution. I will ask a direct question of the Minister of State. Will the Minister of State now commit to recognising the state of Palestine? It is critical that that question is also

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asked of the leader of Fianna Fáil, and of the Green Party. This is something that Sinn Féin commits, if we enter government, to doing immediately.

My second question relates to the Control of Economic Activity (Occupied Territories) Bill 2018. The events coming up on 1 July in respect of the Israeli Government's plans, with the support of Donald Trump, to annex the remaining settlements in the West Bank, show clearly the importance of that Bill. The Bill is a chance to shine a continuous light on the horrendous treatment of the Palestinian people. We know the views of the Tánaiste and Minister for Foreign Affairs, Deputy Coveney, and of Fine Gael on this and why it was excluded from the programme for Government but I also would like to ask the question of the leaders of Fianna Fáil and the Green Party. I ask specifically whether the Minister of State will reconsider ensuring that the Control of Economic Activity (Occupied Territories) Bill 2018 is renegotiated into a programme for Government, given what will potentially happen on 1 July with the annexing of the settlements in the West Bank.

Deputy Helen McEntee: Our position on this, as the Deputy mentioned, has been stated clearly by the Tánaiste. The long-standing support for a two-state solution has been part of our foreign policy for some time now and will continue to be part of our overall foreign policy. We would prefer to recognise-----

Deputy John Brady: In fairness, we need action, not words.

Acting Chairman (Deputy Alan Farrell): The Minister of State without interruption.

Deputy Helen McEntee: We would prefer to recognise the state of Palestine as part of a two-state solution. This is something the Tánaiste, in particular, has worked hard on over the past number of years.

The issue of the Control of Economic Activity (Occupied Territories) Bill 2018 has been raised a number of times but the position of the Attorney General has not changed. It goes beyond what any Government has an ability to do, in particular, if we look at this as a trading matter and an EU competence matter. The Bill would not be implementable and is not part of the proposed programme for Government being voted on at the moment. We will commit to our overall engagement as part of an attempt to find a two-state solution to the problem. We will, of course, continue to prioritise the Middle East peace process after taking our seat on the UN Security Council, which is an opportunity for us to try to progress what is, as the Deputy rightly noted, an ongoing issue that needs to be addressed as soon as possible.

Deputy Brendan Howlin: I will pose questions in the two categories I raised earlier. On the new recovery fund, where stands the Belgian-Irish initiative? What sum is on the table for Ireland and is it in the form of loans or grants? As I have indicated, we can borrow our own money at very cheap rates.

On Brexit, where stands the fisheries portfolio? What does the phrase "middle ground indicated" mean? Has there been any modification of our position on fisheries?

Where are we in respect of the level playing field issues? Is there a proposal on the ground and, if so, will the Minister of State brief us on it?

Finally, I turn to state aid. What is the negotiating position? Has it been modified? According to the *Financial Times*, it has been modified between the EU and the UK.

Deputy Helen McEntee: On our overall ask with Belgium in respect of Brexit and what that means for the MFF and the recovery fund, what we have consistently asked for is flexibility within the budget-----

Deputy Brendan Howlin: Where are we?

Deputy Helen McEntee: We are still at that stage. This was the first time that EU leaders had an opportunity to meet since the presentation of the recovery fund and the new MFF proposals. The Taoiseach reiterated our position that there would need to be flexibility within the budget and raised the fact that, although we are talking about front-loading many of the funds and immediate funding is required, if any implications arise from Brexit, and to implement the farm-to-fork strategy or other climate action plans, the funding will be needed later in the terms-----

Deputy Brendan Howlin: It is a “No” to loans.

Deputy Helen McEntee: The figures suggest there is approximately €1.9 billion and €1 billion in loans and grants, but this is not something we consider acceptable. When the two funds are taken together, we are talking about paying more money than we had previously, while we are seeking less funding in the Common Agricultural Policy, which is a key priority for us, and receiving an overall fund that we consider inadequate. We have stressed the position, and the Taoiseach made it clear last Friday, that we support the Commission’s overall proposal. We think it is good, in terms of the overall balance of loans and grants and the size of it, but we believe that what we are getting out of it is not acceptable.

On the Brexit negotiations, there has been a slight shift and there is a more positive tone in respect of possible progress to be made over the next few weeks. Intensification of discussions will happen in July and August with some face-to-face meetings. From our point of view as to the implementation of the protocol, there has been one specialised committee and two joint committees, while a further specialised committee is due to meet in July-----

Deputy Brendan Howlin: Has the mandate been altered?

Deputy Helen McEntee: For fisheries, “No” is the short answer. Michel Barnier was clear when he addressed the General Affairs Council on Tuesday that without a deal on fisheries, there would not be an overall trade agreement, and *vice versa*. The mandate is clear, therefore, and it has not changed.

Deputy Mattie McGrath: Will the Minister of State outline exactly how much funding we expect to get? A bird in the hand is better than two in the bush. She might outline what the Government sought and what it expects to get.

Deputy Helen McEntee: We are still examining the proposals for the MFF and for the recovery fund, and nothing has yet been agreed. It is welcome that there are certain priorities for us where we have seen an increase in funding. In the MFF, there has been an increase in Pillar 1 and Pillar 2, while for the CAP in the recovery fund there has been an increase in Pillar 2 of €15 billion. While that amounts to €26 billion in total, we believe there needs to be more specifically in that area. There has been an increase in funding for Horizon, Cohesion, Erasmus+ and various sectors, but again we would like Ireland to get more out of it. The total figure is not yet fully agreed to or understood, and there is still work to be done to ensure that Ireland will get the most out of this and that we show support and solidarity to other member states.

Deputy Richard Boyd Barrett: The decision of Fianna Fáil, Fine Gael and the Green Party to drop the Control of Economic Activity (Occupied Territories) Bill 2018 and leave it out of the proposed programme for Government is a disgrace, and a betrayal of the Palestinian people and of any semblance of commitment to human rights for people generally, specifically for the long-persecuted Palestinian people. Was dropping the Bill the price of getting the seat on the UN Security Council? Given the reports of lobbying by the Israeli ambassador and US congresspeople, will the Government furnish to the House and the public any and all records, memos or communication between the Government and the Israeli ambassador, or between civil servants and the Israeli ambassador, and similar communications between the Government and representatives of the US Congress? We need transparency about who lobbied the Government, what it said and what conversations led it to sacrifice the Palestinian people in this appalling way.

Deputy Helen McEntee: Our position on settlements is absolutely clear and we are opposed to them. As I outlined earlier, the Government's position on what it would like to see happen is a two-state solution for Palestine and Israel. The Control of Economic Activity (Occupied Territories) Bill 2018, however, is different, given that it would move into an EU competence. The Attorney General's advice on this is clear and will not change.

I am not aware of any lobbying that has been ongoing. The Tánaiste stated we had received votes from many of the Middle Eastern countries as well as from throughout the globe, given the overall figure we received. It is very good that we have gained a seat on the UN Security Council because it will put us at the very heart of the decision-making process for the big international peace issues, including that which the Deputy raised. It will give us the opportunity to be around the table with the key member states in this regard and to progress the issue even further.

Deputy Marian Harkin: I already asked three questions about the €50 billion fund, and while I am happy to wait for the Taoiseach to respond to me in writing, the Minister of State might respond now if she can. I am also happy to receive a response in writing to the question about own resources.

I have two questions, however, that I would like the Minister of State to address now. On the issue of state aid, I stated that the Commission and the Council have spoken about maximum flexibility in regard to the budget and state aid rules. I asked what flexibility we had shown in this country and I specifically mentioned Aer Lingus, but I wish to ask a more general question about that and about how we compare with other European countries. I hope I am not taking him up wrong, but I think Deputy Howlin asked whether there was even a hint that there might be a shifting of the ground in respect of state aid in the Brexit negotiations. I do not think the Minister of State answered that question - if she did, I did not pick it up - but she might outline whether that is the case. It would not just be significant for the country but would have massive implications for the Border areas in particular.

Several Deputies asked about the package and Ireland's share. The share is as it is because the rationale used takes into account our growth levels in previous years. While we want the amount changed, are we making any progress in changing the basis for the decisions being made about what each member state will get? We should not just ask for more money but seek to change the basis and arguments being put forward for deciding on the final sum.

Deputy Helen McEntee: As I raised at the General Affairs Council, we have argued that the

Commission was given a clear mandate and that it needed to base any instrument on the impact that Covid is having on a particular member state or industry. We believe that the Commission is looking at a pre-Covid economic picture, which is obviously very different. We have argued that point and are not the only country that has done so, and we now have to wait and see. There will be a series of discussions with Mr. Charles Michel, either face to face or by video conference, before physical meetings of leaders on 17 and 18 July. We will continue to stress that the Commission was given a very clear mandate and that it needs to adhere to it. Obviously, the difference this would make for us would be significant.

With regard to state aid, I am not sure how we compare to other member states. We have a €200 million Covid products scheme. Essentially, it is a targeted State support to develop supports regarding research, innovation, the development of Covid products and the upgrading of testing facilities. There are also various other elements. I can get the Deputy more detail on that and send it directly to her. A package worth €250 million was agreed on 4 June by the Commission to support micro-companies and small companies. I understand there is €450 million so far. How that compares with the funding in other member states, I am not sure. I can certainly get the breakdown for the Deputy.

Deputy Marian Harkin: What about Brexit?

Deputy Helen McEntee: Again, there has been no change in terms of state aid or any of the parameters for the negotiations.

Deputy Cian O’Callaghan: With regard to the proposed digital tax, the Irish position for a number of years has been that it should be decided through the OECD. Given that the US has withdrawn from negotiations on the tax, it makes an OECD decision less likely. There is a growing head of steam around Europe for a digital tax. Is the position that we will agree to it under no circumstances, or are there some limited circumstances in which we would agree?

With regard to EU-wide efforts to develop a Covid-19 vaccine and the fact that the early-stage development of a vaccine by a number of pharmaceutical companies involves the experimental use of genetically modified organisms, was there any discussion at the European Council on a temporary lifting of the ban on the use of genetically modified organisms to facilitate this? What is the position of the Irish Government on a temporary lifting of the ban?

Deputy Richard O’Donoghue: I actually give praise where praise is due. Well done on getting a seat on the UN Security Council.

We are targeting as much funding as we can get, but how do we get it delivered more efficiently? It is taking too long to deliver funding to the likes of SMEs. The process is too complicated. What can the Government do to simplify it? Many people with experience around this House know how to proceed in this regard from a business perspective. If the members of the Government would like to come to us, we would have no problem helping.

Deputy Helen McEntee: To correct the record for Deputy Harkin, there is an additional €200 million on top of the sum in question. Therefore, the overall figure is €650 million.

Deputy Marian Harkin: State aid.

Deputy Helen McEntee: In state aid. I will get the details and have them sent to the Deputy.

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On Deputy Cian O’Callaghan’s questions, contrary to reports, the USA has not pulled out of the OECD process. It has raised concerns about the timeframe and the implementation. It has sought an extension of the overall discussion. At European level, France, Italy and Spain have been asked to pause their progress in this area, or the implementation of their own legislation. From our point of view, this is a global issue that should be dealt with on the global stage. That is why we support the implementation of any new measures through the process we are engaged in. Whatever comes out of it, we will, of course, accept it fully.

On the question on vaccinations, I am not sure. I do not believe it was raised at the European Council meeting but I will try to revert to the Deputy in more detail on the matter.

With regard to the overall funding, I will simplify the matter. Many of the measures we have put in place so far have been through our own funds. The Minister for Business, Enterprise and Innovation, Deputy Humphreys, has tried to make the funds as accessible as possible. There is, of course, a mixture of loans and grants. We will, of course, try to access as much of the European funding as possible. The initial pot, €540 billion, was agreed only a number of weeks ago so the process will take time. The funding we are talking about here today, the €1.1 trillion, in addition to the €750 million, is yet to be agreed. What is important for citizens is that we agree to it as quickly as possible and that the money gets to the people who need it. Certainly, from an implementation perspective at Government level, we are trying to make it as easy as possible. The Revenue Commissioners have played a major part in trying to ensure paperwork and everything else can be dealt with after people get their funding.

Acting Chairman (Deputy Alan Farrell): The Minister of State may, if she wishes, take five minutes in which to make concluding remarks.

Deputy Helen McEntee: I will take the time, if I may, because there are a number of issues that may not have been touched on.

I join colleagues in offering my deepest condolences to the family, friends and colleagues of Detective Garda Colm Horkan. It is a sad day if a member of An Garda Síochána goes to work and unfortunately does not return home. I thank the gardaí for the work they do daily.

I thank the Deputies for their statements and questions on the June European Council. I will revert to some of the Deputies with further detail.

As the Taoiseach indicated, I will focus my wrap-up remarks on the situation in eastern Ukraine and the eastern partnership summit that took place by video conference last Thursday. Since March 2014, the EU has progressively imposed restrictive measures on Russia. The measures were adopted in response to Russia’s actions undermining the sovereignty of Ukraine. From the outset, Ireland has been unwavering in its support for Ukraine’s sovereignty, independence and territorial integrity. There is increasing concern over the humanitarian situation in eastern Ukraine, in particular given the Covid-19 crisis. We continue to receive reports that the OSCE Special Monitoring Mission to Ukraine and relief organisations continue to be denied passage to the non-government-controlled areas of eastern Ukraine.

Leaders stressed the importance of solidarity in the Covid-19 crisis, including through the EU’s substantial supports to address the impact of the outbreak. Through what is known as the Normandy Format, France and Germany have been in dialogue with Russia and Ukraine to implement the 2014 Minsk peace deal and find a peaceful solution to the situation in Ukraine. Chancellor Angela Merkel briefed EU leaders on the state of play regarding the Minsk agree-

ment since the most recent Heads of State Normandy Format summit, which took place in December 2019. While three prisoner exchanges have taken place, the lack of substantial progress on the implementation of the Minsk peace deal and Russia's ongoing military support for separatists provide a clear and continuing basis for extending the targeted economic sanctions. The eastern partnership summit that took place on 18 June delivered a uniform message of solidarity from EU leaders to the six partner countries. Appreciation of the strategic importance of the partnership was expressed by all members and participants. The summit provided the opportunity for high level exchange on the long-term policy objectives of the eastern partnership and helped set the state of play for the physical summit to be held in March 2021. Leaders stressed the importance of solidarity during the Covid-19 crisis, including through the EU's substantial support to address the impact of the outbreak in the eastern partnership region. The Taoiseach welcomed the eastern partnership's renewed focus on strengthening resilience in the region, not only in the context of the current pandemic but also across all areas, including democracy, economy, security, media, gender equality and health. To strengthen resilience, the Taoiseach suggested championing the youth sector and civil society. In this regard, it is Ireland's intention, as soon as it will allow, to work with the European Commission and partner countries on a project on youth and culture.

At the summit, leaders agreed to continue to work together to overcome disinformation. This is particularly important during the ongoing Covid crisis, when disinformation can cost lives. A number of participants emphasised the importance of starting preparations now for next year's physical summit and to identify deliverables on all the proposed areas of co-operation: economy and connectivity, accountable institutions, the rule of law, security, the green and digital transformations, and fair and inclusive societies. The Taoiseach availed himself of an opportunity to mark that Ireland will open its first resident mission in a partner country when it opens its embassy in Kiev later this year, if of course Covid-19 circumstances allow it.

I thank all Deputies for their statements. The Taoiseach will continue to report to the House in advance of and following regular Council meetings.

I thank the Croatian Presidency for its work over the past six months. It has been a particularly difficult time for it given the current circumstances. In particular, I congratulate it on the progress made on opening the accession negotiations for North Macedonia and Albania. Enlargement is an extremely important issue and one that Ireland supports. I wish the German Presidency well. It has a challenging and difficult few months ahead.

Sitting suspended at 2.30 p.m. and resumed at 2.50 p.m.

Reopening of Schools and Summer Provision 2020: Statements

Acting Chairman (Deputy John Lahart): I ask Members to indicate at the commencement of their contributions if they intend to try to elicit answers from the Minister, if they intend to allow time to do so, if they are sharing time and how that time is to be divided.

Minister for Education and Skills (Deputy Joe McHugh): Gabhaim buíochas leis an Chathaoirleach agus leis na Teachtaí uilig as an seans labhairt leo arís inniu ar chúrsaí oideachais agus na dúshláin atá ann ina leith.

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I take this opportunity to provide an update on the planned summer provision and the preparatory work towards reopening our schools. When I was last in the House I advised that I would bring a report on both subjects to Cabinet on 12 June. I will now update Deputies on the position since I brought that report to Cabinet.

I have previously stated that it was a priority to have summer provision this year. Since my last appearance in this Chamber, I have launched Summer Provision 2020 - Reconnecting with Education, which comprises a number of summer programmes focusing on children with special educational needs and those at greatest risk of educational disadvantage. Since the launch last Friday week, we have had a very strong response. Two hundred schools have registered to run the school-based summer education programme and 36 schools, 35 of which will also run the school-based programme, have registered to participate in the HSE-led programme of support for children with complex needs. It is estimated that 3,400 children will benefit from this school-based programme. Almost 9,200 children are registered for the home-based programme.

On the DEIS summer programme, 210 primary schools have expressed an interest in participating, which is an increase on the 72 schools which were already signed up for summer camps. At post-primary level, 14 schools have registered, with a number of others considering participating in this new programme. In addition, over 230 SNAs are working with families as part of their temporary assignment to the HSE. This level of response is welcome. It is a real demonstration of the commitment of local schools to their local communities. The willingness of principals, teachers and SNAs to answer the call to support their students following what has been an unprecedented period of uncertainty for these students and their families is fantastic. I am sure Deputies will have examples from within their own constituencies of schools rising to this challenge. I note the leadership at Scoil Íosagáin in Buncrana where 70% of the students are signed up to the programme and where there is a maximum return of SNAs and teachers bar one because of health considerations. There is also a willingness on the part of teachers within that school but outside of special educational needs who want to participate to help reconnect the students.

The Government gave the go ahead for the summer provision last Friday week. Since the announcement was made, my Department has had positive engagement with colleagues in the health sector and with the education partners to develop the guidance. Today, I am announcing that further guidance for primary schools involved in delivering summer provision 2020 will be published tomorrow. This follows guidance to primary schools published yesterday on issues such as planning and preparing on returning to school, advice on preventing the spread of the virus, control measures, and dealing with a suspected case. The detailed guidance will support schools in planning and preparing for the programme to support students with disabilities and students attending DEIS summer camps. Many schools had initially sought guidance from my Department before confirming their participation in the schemes. I can confirm that a template for a school Covid-19 response plan has been developed for use by schools in preparing for running the summer programme. This was provided to schools earlier this week. The template can be adapted by schools as their own Covid-19 response plan in the context of reopening for summer provision. The school Covid-19 response plan contains useful information on issues, including planning and preparing for return to school, general advice to prevent the spread of the virus, including handwashing, respiratory hygiene and physical distancing, control measures, including cleaning and use of personal protective equipment, and what to do in respect of a suspected case of Covid-19.

The Covid-19 response plan details the policies and practices necessary for a school to meet the Government's return to work safely protocol, the Department of Education and Skills plan for schools reopening and measures to prevent Covid-19 in the school environment. A helpline has been put in place to assist families of children with special educational needs, provide information on the programmes and help guide them to useful supports. As Deputies are aware, it is my strong preference, the Government's intention and my Department's focus, as well as that of stakeholders with whom we are engaging, to see a full return to school in late August-early September in line with individual schools' usual timetable. I know of schools that have already communicated to parents and students the date of return after the summer holidays, albeit noting that this will be subject to appropriate arrangements and guidelines which are currently being worked on. It is worth reiterating that we are between nine and ten weeks from the scheduled reopening of schools. This gives us time to continue to consult the public health experts to develop and plan appropriate guidance. It is my ambition, and that of my officials, to work with the education partners to minimise the work involved at an individual school level. Where we can, we will provide centralised support and guidance to schools to enable them to reopen in a safe manner in the new school term.

As a country, we have made real progress in getting the virus under control. We have learned and taken the precautions necessary to protect ourselves, our families, our colleagues and everyone in society. The knowledge about and understanding of the virus is growing all of the time and experience available from each phase of the roadmap as well as what is happening in other countries will help us to get it right for reopening our schools.

The report I brought to Cabinet on 12 June outlines the ambition of the Department to develop a sustainable plan to reopen schools, the overriding objective of which is to protect the health of staff and students while promoting the educational and development needs of the nation's children. The key activities under way include public health advice, which will inform the guidance to be issued tomorrow to support schools that will operate summer provision, and interim public health advice, which will be kept under review to ensure it is informed by the latest evidence on Covid in advance of the reopening of the schools at the end of August. In addition, guidance and templates to enable schools to comply with the requirements of the national return to work safely protocol are being developed centrally in consultation with education partners. There are regular meetings of the primary and post-primary stakeholders to ensure stakeholder views can inform the guidance documents. Meetings are taking place on this every week. There will be further engagement tomorrow with stakeholders.

Guidance on online training modules, webinars, etc., are being developed centrally and will be available for use by schools, parents and students. Resources for return to school will be made available for schools operating a summer programme. Additional resources will be provided to schools to enable enhanced cleaning. The existing handwashing facilities in some schools are not designed for the enhanced level of handwashing envisaged as necessary in the Covid-19 environment without significantly impacting on educational class time. A drawdown framework will be established by the Department to enable schools to purchase hand sanitisers for use in schools and classrooms. The procurement process for this framework is under way and it will also deal with any other potential PPE requirements. It is not envisaged that significant PPE will be required in school settings. Details on funding will be provided in due course. Principals who used their initiative and purchased equipment in the last couple of weeks will be reimbursed in that regard. There will be a strong focus on supporting the mental health and well-being of students and staff in the reopening of schools. Central guidance will be provided.

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The Department is working with the National Council for Curriculum and Assessment, NCCA, the inspectorate and other experts to tailor teaching and learning appropriately to the needs of students as they re-engage with school.

Notwithstanding our overall objective, planning for a blended learning approach online and in school will be a feature of our plan to reopen schools, as there may be circumstances where schools will have to have the necessary agility to respond quickly to changed circumstances at local or regional level. My Department continues to engage closely with education partners and other key stakeholders on the development of guidance and supports for the reopening of schools. A dedicated web page will be provided to enable the sharing of information and updates in an open and transparent manner.

Physical distancing requirements are a function of public health advice intended to reduce the risk of infection at particular times and current guidelines are being kept under review. We have seen the roadmap to reopening society reviewed and in some cases accelerated as that public health advice has evolved. Consideration of other mitigating factors in a school setting and emerging evidence of low infection transmission by children may also mitigate some of the risks considered as part of broader public health advice. We also have to be cognisant that maintaining physical distancing in all situations is not possible or appropriate. In particular, it may not be practical for children who are quite young or have special educational needs. In these situations we need to ensure there are appropriate measures in place to protect children and school staff.

In relation to summer provision, there will not be a requirement for strict social distancing for children with special educational needs as this would be neither practical nor possible. Given the limited number of students attending camps in DEIS schools as part of summer provision in 2020, the requirement for physical distancing should be maintained but this should have no impact on the running of the programme in schools.

Acting Chairman (Deputy John Lahart): We move on to the Fianna Fáil spokesperson, Deputy Thomas Byrne, who is sharing time.

Deputy Thomas Byrne: I would have been happy to let the Minister continue because some of the stuff is important for parents to hear but that is the decision.

Acting Chairman (Deputy John Lahart): Who is the Deputy sharing his time with?

Deputy Thomas Byrne: Tá mé ag roinnt mo chuid ama leis na Teachtaí Browne agus McAuliffe. The issue of social distancing in school, which the Minister has addressed, is obviously a key issue and a key determinant of what happens physically in schools when children go back. The second issue, about which we have not heard a huge amount and about which we need to hear more in general, concerns the long-term implications of school closures. The third issue concerns some aspects of the summer education scheme.

I welcome the publication of information by the Minister and his announcements today. It was in the newspapers before it came into the Dáil and not all of the speech made it onto the record due to the time that we have allowed. I agree with the Department in its stated aim to open schools in accordance with the normal start of the new school year to the fullest extent, while minimising the risk from the public health perspective. I and Fianna Fáil share this objective.

I do not intend to go into the 1 m versus 2 m in schools question, which has been given at-

tention and is important. It is relevant, though, that the public health advice does not allow the Department to achieve its stated aim later on in the summer. The Minister has been clear on what social distancing would mean in schools and we have a lot of time, as he has said, to deal with this issue over the next few weeks.

I wish to raise a very important issue in terms of education. I might give the Minister a brief opportunity to answer, if that is okay. Is that the format today?

Acting Chairman (Deputy John Lahart): It is up to the Deputy.

Deputy Thomas Byrne: Yes. I have asked previously that good-quality expert academic research be done on the learning losses, which I see and that we all know of anecdotally, over the last number of weeks and months in order that teachers and the State know in September what is the position regarding children. Most people would say there has been a learning loss. I believe it is obvious. While some people suggest that children's learning is enhanced by e-learning, I cannot see how that could be possible in the middle of a pandemic when the thing has not been planned or organised properly. I do not say that to oppose e-learning or blended learning but it happened in an emergency. There has been some research in the UK and I believe the ESRI is publishing research this week. Has the Department of Education and Skills commissioned research on the learning losses and on what is needed from schools and for children in the new year and in the future? Can the Minister answer that question briefly?

Deputy Joe McHugh: I thank the Deputy for his contribution. One of the obvious gaps was in relation to special needs, so there was regression. That is anecdotal and measured through contact and interaction between our inspectorate and schools in terms of where the gaps were. One clear message right across the sector, whether tertiary, post-primary or primary, is that computers cannot replace teachers. Computers and digital technology can enable processes but they will never replace teachers. One of the big gaps identified is to ensure that we get back into the classroom. I take the Deputy's point as to whether there is a need for research into this. Not to talk about programmes for Government today, but I know there was a lot of focus in the talks on having a research focus within the Department and there will be plenty of time in the future to do research on this important matter.

Deputy Thomas Byrne: It should be a primary function of the Department to carry out this research fairly urgently. We have had limited research but I know that it is being carried out by some people. The emerging evidence from the UK is that pupils working from home are doing a lot less learning than was previously thought. That is despite the best efforts of all involved: teachers, parents and children themselves. In the UK, they reckon that children have learned for an average of two and a half hours a day. There are limited data already available in Ireland and the play and learning in early years survey indicates that the vast majority of respondents engage in two hours or less of learning per day between the ages of six and ten. We know that in the UK, this is worse for pupils from lower-income areas. My time is nearly up but that is really important.

The July provision scheme has been expanded to include pupils with Down's syndrome and there was legal action last year about that, but not for second level. Some people got the impression from the last time the Minister spoke that this would be approved for second level and it has not.

I had understood that there was a big expansion of July provision this year. I think we had

10,500 participants last year and the Minister now says we have 9,200, together with the additional ones on the health side. Perhaps the Minister could clarify if it is not an expansion, as we were led to believe.

Deputy James Browne: I want to raise the issue of the importance of the July provision programme, which cannot be underestimated. I have been contacted by numerous parents of children with moderate and severe intellectual disabilities, attending both St. Patrick's special school, Enniscorthy, and Our Lady of Fatima, Wexford town, on the issue of transport. A lot of parents are finding it difficult to accept that they will not be able to get transport to get their kids to the school in order that they can get to the supports they need and take advantage of July provision. Many of these parents are exhausted. They have been absolutely worn out by the last few months. They need that respite and in a lot of cases, the children are starting to regress because they have not been able to get the key supports they need. Can the Minister address the issue of school transport to get those kids to the schools? County Wexford has a very large catchment area and some parents who are now expected to go back to work are finding this situation very difficult.

Deputy Joe McHugh: That is a very good question and I thank the Deputy for raising it. One thing that we did not have on our side, and I will probably be accused of not getting guidelines in quickly enough, was that schools were allowed to open as recently as last Friday week. We have been working on this for two weeks. We are working continually on the school transport issue with a focus on August and September. The solution that we have come up with for the interim is that we will give a grant to parents. I acknowledge that will not be a solution for every parent. The Deputy mentioned children with severe and potentially profound intellectual disabilities, who normally have an escort on the bus. It was a challenge to come up with a potential solution in such a short time but we are giving a grant directly to parents to use in whatever way is possible for them. We are monitoring this as well.

Deputy Paul McAuliffe: This is the first opportunity I have had as the parent of two children to acknowledge the work that many principals, teachers and special needs assistants, SNAs, have done during the pandemic. In many cases it was done without the assistance of a national online learning platform, which is something we need to look at very speedily. We also need to look at the issue of the digital divide, particularly in DEIS and disadvantaged areas.

On the issue of July provision, I fear that this summer, many parents may yet be told that there is not a place or a facility available for their child. I am not clear, even after the Minister's contribution, as to the exact number of teachers and SNAs who have signed up for the scheme and whether he believes that number is sufficient to meet the need. SNAs' pay is just 40% of teachers' pay, and while I accept the difference in skill sets between the two, given that they are doing one-on-one work and home tuition I do not think that does anything to encourage the recruitment of SNAs for that need.

I am very pleased about the DEIS programme and I have seen its impact in my area for nearly ten years. However, some school principals are being told that the DEIS programme must follow the special needs provision and that they must provide it in the last two weeks in August, which will be a really busy time for the return to school. I ask the Minister to look at that issue.

Do children with Williams syndrome and other genetic disorders also qualify for the July provision and will it be possible to appeal a decision by the school principal on the matter? Deputy Byrne has already mentioned the issue of second level Down's syndrome students, and

I echo his remarks.

My final question relates to external candidates for the leaving certificate and predicted grades. At this point it is still not clear what the process will be for external candidates who are not availing of tuition to secure their leaving certificate in subjects like Irish or maths. We really need to give them an answer on that.

Deputy Michael Moynihan: My question relates to the July provision. Ordinarily, when children are enrolled in a unit or special school where they would be starting in the last week of August or first week of September 2020, they would have had an induction in the school in the last week of June or the last school week of the year. They would normally have had an induction in June of this year but because they did not and have not yet started in the school itself, they are now outside the July provision. I ask the Minister to take back that decision, as I know he is making decisions tomorrow. It would be extremely beneficial for those kids who would be starting school in a special unit on 1 September or in the last week of August to be accommodated in the July provision because they would have access to the school and could get acquainted with it rather than having issues in the first week of September or the last week of August. I will leave that with the Minister to take back to his officials to reflect on it and see if there is anything that can be done for those kids. Many parents have been on to me looking for that clarification.

Deputy Robert Troy: I have three concise questions and I will leave time for the Minister to answer them if possible. The Department sought expressions of interest from schools for the July provision programme, and despite numerous schools applying, certain schools within my constituency are now being informed that only special educational schools or schools with special educational classrooms can participate. One wonders why the Department opened the applications to all if this restriction was going to be in place. Will the Minister give a guarantee that all children who are eligible for July provision will be accommodated this year?

Second, I refer to the announcement earlier in the summer regarding the redeployment of SNAs. Has that proposal been shelved or scrapped, or where does it stand at the moment? There is huge confusion for SNAs as they do not know what the future holds for them. Perhaps the Minister could use this opportunity to enlighten them.

Finally, all schools are set to reopen in September, which is very welcome. However, I want to ask the Minister about one school in particular, namely, Holy Family national school in Mullingar. It was to open in September two years ago, but because of problems with the contractor, it is now 24 months behind. The Minister is aware of it and visited the site in advance of the local elections last year. At that stage, we thought it would open last September. We are 24 months behind schedule and there is anxiety and concern about this. A lot of work is going on between Westmeath and officials from the Department. Will the Minister give assurances that, after two years of delay in the contract, the children, staff and parents can look forward to the opening up of Holy Family national school in September of this year?

Deputy Joe McHugh: I thank the Deputy for his questions. I am sorry that I will not get to the other pertinent questions from the other Deputies but I will try to answer these three as quickly as possible. In a normal year, 650 schools are eligible for July provision, including up to 126 special schools, as well as schools with special educational needs, SEN, based tuition. It was always 650 schools. Last year more than 200 schools applied and this year 200 did. I am absolutely delighted with the level of response and positivity coming from the sector in a very

challenging year.

The Deputy asked about eligible students. Any student with autism, Down's syndrome, severe, profound or moderate intellectual disabilities will qualify for the July provision.

The Deputy also asked about the HSE redeployment. Some 230 SNAs have signed up to the redeployment schemes. They are working under HSE contracts at the moment and I thank each and every one of them for doing so because they are doing really important work.

As regards schools reopening, we are all working to get them reopened. I am well aware of Holy Family national school. As the Deputy knows, there were local factors involved in the time delays and he knows what the issues are at local level. However, we have been working through them and we hope we are in a position to open that school in time for the new cohort of students.

Acting Chairman (Deputy John Lahart): Is Deputy Ó Laoghaire sharing time?

Deputy Donnchadh Ó Laoghaire: Tá, leis na Teachtaí Martin Browne agus Patricia Ryan.

Acting Chairman (Deputy John Lahart): Does the Deputy want answers to his questions?

Deputy Donnchadh Ó Laoghaire: Yes. I will speak in one passage and the Minister can then respond.

Before I begin on my main topics of the reopening of schools and provision, I want to touch briefly on two other issues. The first is external candidates. I have written to the Minister in the past week giving him two very tough examples of students who will likely not get calculated grades. I echo Deputy McAuliffe's point about answers, but we need more than answers. There needs to be an alternative as well. Inevitably, some students will not get a calculated grade, and while for some that might not make a huge difference as their other subjects would allow them to access a third level place, for others that will not be the case. The two students to whom I spoke are good examples of people who are very concerned that they will lose out on a third level place. They will have to wait until next year or they may not get the opportunity at all. These people need an alternative and that needs to be looked at. I urge the Minister to do so because if this is not resolved it would be a gross injustice. It may only affect a small category of students but it is no less gross because of that.

The other issue I wanted to note is special educational places, which I have raised previously with the Minister. There is a severe shortage in Cork, which needs action, but I want to bring the Minister's attention to another letter I wrote to him regarding a school that wants to open a unit and has so far not been successful with the Department. I hope the Minister will give that his attention. There is also an ongoing campaign for an autism-specific school in Dublin 12 which he might consider as well.

I will deal with summer provision first. It is clear from listening to what the Minister has said so far that his ambition now is already quite different from the ambition of last Friday when he suggested doubling the number of students to 20,000. The plan now seems quite different from that and I am not surprised because I raised queries about whether there was any attempt to gauge the capacity or whether there was any capacity planning going on. There did not seem to be any attempt to figure out how many teachers and SNAs were available or how many schools would sign up before any announcement was made.

There are other issues as well. I am aware that a document went out yesterday and I had sight of it. I know that further documentation will be going out but some issues still need to be clarified. I welcome some of what was in yesterday's document, although much of it is the kind of stuff that we discussed when the Minister said he could not communicate with schools at the minute. A lot of that could have been done regardless of the science or the public health advice, such as return to work forms, training, and so on, which did not necessarily depend on the public health advice regarding 1 m or 2 m or anything like that. Much of that could have been done before now, and while it has been done now, there are more issues that need to be clarified.

There are issues with insurance as well. Schools are unsure if they will be able to get insurance to run the programme and there is reluctance because of that.

There are also issues with transport and many parents of children with Down's syndrome in mainstream secondary schools were very disappointed about that. It is a growing cohort. Children transitioning from early years to mainstream primary education make up a sizeable cohort as well. How many children does the Minister predict will take up the summer provision programme?

On the return to schools, the objective is and should be a full return, and this aim is shared by everybody. I caution the Minister and the Department about this. In other jurisdictions, such as Britain, there has been an attempt to have the relevant department or secretary step back while trying to pin the blame on schools, teachers and teaching staff. That cannot happen under any circumstances as everyone has a shared objective of delivering a full return to school. It is the same for teaching staff.

It is unfortunate that special needs assistants feel they have suffered a loss of respect in recent months. The communication on redeployment was significant and there was a feeling that there was a lack of recognition of the fact that they were still working. It was not the case that they were not working; many were still working with children. They are only getting 40% of the rate for the home-based programme of summer provision and this must be worked on. We must begin to show much more respect to special needs assistants.

On the return to school, we were expecting a roadmap last Friday but that has not arrived. When will we get it? We got an outline of something none of us would like to see, which is a child returning to school one day per week, and the Minister effectively ruled that out. That created confusion. When will we see the publication of the full roadmap? I agree with the objective of a full return to school but I am conscious that as well as a desire from parents to have children return to school, there are people who are nervous about the effects on children. This relates to children who might be immunocompromised or who have parents who are immunocompromised. This also applies to school staff. What planning is in place to ensure the education of these children will continue?

Deputy Joe McHugh: My ambition is clear as I want to facilitate as many children with special needs as possible in summer provision. Traditionally, 70% of students go for home-based tuition and I cited 24,000 as the maximum number that could apply. Currently, we have nearly 10,000 and another 2,300 have been signed up to the Health Service Executive programme. I am still confident that more could sign up as the days go on.

Let us be very clear. The Deputy stood up in this House and said only four or five schools would sign up. That type of messaging coming from this House does not help.

Deputy Donnchadh Ó Laoghaire: It is not what I said. The Minister can check the record.

Deputy Joe McHugh: Approximately 200 schools have registered for this and I thank every one of those schools for the work done. It is correct that they need the proper information and the guidelines must be right with respect to student and teacher safety.

Last year, a grant was awarded directly to people with Down's syndrome for primary and post-primary education. This year, we have included primary education in the summer programme and we are engaging with Down Syndrome Ireland to ensure every post-primary student with Down's syndrome is facilitated as well. That is really important. As the Deputy knows, most of the summer provision is at a primary level.

The Deputy indicated he was confused about my statement last week on schools reopening. I said last week that my clear intention and the goal both of the Government and the entire education sector was to have a full reopening of all schools for all children at the end of August and into September. There was no ambiguity there.

Deputy Martin Browne: I will accept written replies as there are a number of matters I wish to raise with the Minister. I ask him for clarity on the reopening of schools. In this crisis parents are trying to balance their household finances with their responsibilities for the health, safety and education of their children. These are just some of the concerns of some of the parents in my constituency in Tipperary, and they do not need uncertainty right now. Unfortunately, uncertainty seems to be the rule rather than exception when it comes to messages being issued by the Department. Will the Minister provide some clarity today on the reopening of schools?

Is the Minister prepared to give a precise date for the reopening? Will he tell parents what criteria are being used to determine that date? Are schools being consulted on the matter? With regard to children returning to school, will the Minister dispense with the uncertainty about social distancing in those settings? Does he intend to implement the recommendations of the State's health experts in this regard or will he act in other ways, as has been indicated recently, taking a political approach by applying different or no social distancing rules in schools? If social distancing is to be implemented, will the Department provide extra staff to schools to help with temperature checks and cleaning of classrooms, common areas, etc.?

Parents and teachers have contacted me with concerns about student mental health issues that arise because they have been out of school for such a long period, as well as the uncertainty that may arise on the return to school. They have raised the issue of the number of counselling hours and pastoral care that schools have. Will the Minister commit to increasing these hours in schools to help students who require such a service?

The mixed messaging must stop and the Minister must be decisive and clear about his plans for the education sector. Parents, teachers and teacher unions demand clarity and I urge the Minister not to let them down. Will he commit to extending the back-to-school clothing and footwear allowance to parents who have not met the means testing requirements in the past but have seen a drop in their income or are in receipt of the pandemic unemployment payment or a payment under the wage subsidy scheme?

Following the Minister's announcement on 5 June that the July provision programme had been extended to include children with Down's syndrome, I was contacted by a number of parents who are extremely upset and angry because of some of the details the Minister failed

to mention. He failed to tell us there would be a distinction between those who are attending preschool, primary school and post-primary school. Parents of children with Down's syndrome were in complete shock when the details of the July provision were released. Why were all children with Down's syndrome not included in the programme? Will the Minister confirm or deny that if these children had been included, it would only have cost an extra €1 million?

Has the Minister seen the recent Economic and Social Research Institute report that suggests longer school days and Saturday schooling for students currently in fifth year? This will put added pressure on students who are already facing an extremely difficult year. What is the view of the Minister and his Department on the report? We all agree that young people are our future and they need certainty. I ask that the Minister give clarity.

Deputy Patricia Ryan: What plans has the Minister put in place for children with underlying health conditions who are to return to school in September? We need robust plans shared well in advance so parents can have the confidence to send their children to schools when they reopen in nine weeks. As matters stand, some parents are afraid of the potential consequences of keeping their children at home. We need clarity that no action will be taken against them if their circumstances are genuine. We also need a plan to deliver the educational needs of these children.

I have had many conversations over the past few weeks with parents of children with underlying health conditions. Many of them are worried about their children's health if they return to school in September as normal without a vaccine being available. Many of them are worried about the threat to seriously ill children from children who are well and who may bring the virus home. Some of them fear for their children's lives. Many parents in my constituency are left in the dark every time a phase in the roadmap is published. Decrees allowing travel in a wider radius and larger gatherings both indoors and outdoors really mean nothing to them. The roadmaps have been silent and offer no hope or guidance to those with children who have underlying conditions. I ask that this change.

I am delighted the Minister spoke about children with special needs because, unfortunately, St. Anne's Special School in the Curragh in County Kildare, where I am from, is not included in the provisions. On 9 June, a letter was received indicating the school would lose two teachers because an algorithm had decided they were not required in the school. That is shocking. This is a school that is oversubscribed and it now finds itself having to decide which children get to finish primary education. Those who get to stay will have to be accommodated in a classroom with older children. Some children will now be moved into classes of eight despite being entitled to a class of no more than six.

Why is it that special schools have no right to appeal these decisions? Will the Minister make the necessary changes to enable the basic right of appeal following principles of natural justice? Will he review the decision and the use of the algorithm, which does not take into account the age of children, their specific needs or whether there is room in classrooms that are set up specifically for those with different needs, such as autism and physical disabilities?

That brings me on to July provision. I ask that the Minister would enable SNAs, who do not have the current required criteria, to be allowed to participate in July provision. We need to have a contingency plan in this regard given this year's special circumstances.

Deputy Joe McHugh: I will deal with the last point first in respect of SNAs. I wish to pub-

licly thank the SNAs for their ongoing work over the past months since 12 March. Somebody who spoke earlier was correct in saying that the school buildings may have closed but, like that of the teachers, the work continued. One of the additional features of the summer provision this year compared with July provision is that parents of children with Down's syndrome, autism or severe and profound intellectual disabilities and moderate intellectual disabilities have the choice of availing of an SNA or a teacher as that tutor for the home-based provision. Currently, almost 10,000 are registered. We are relying, first, on the choice of parents to opt for either an SNA or a teacher but, second, we also are operating under a voluntary structure. However, I am confident from the level of enthusiasm and ongoing dedication at a school to student level that we will be in a good place in that regard.

With regard to the reconnection point, teachers get the gaps in that regard. They understand the regression aspect in regard to children with special educational needs. It is about reconnecting with the schools. Another Deputy raised the issue of preschool. That is the reason I added the early intervention year as a feature of summer provision, in terms of that transition. Deputy Michael Moynihan raised the issue of transition from sixth class for children with special educational needs. If there are specific examples around that, I am happy to address that. I will send a formal reply to the Deputy on her other question.

Acting Chairman (Deputy John Lahart): We move now to Fine Gael speakers. I call Deputy Alan Dillon.

Deputy Alan Dillon: I will be sharing my time with Deputies Higgins, Feighan and O'Donnell. The closing of schools has greatly impacted fifth year classes. There is real concern now that there will not be enough time to finish the two-year curriculum by the time examinations are due to begin in summer 2021. Many students and their parents have contacted me to express the legitimate concerns surrounding falling behind on course work, on top of the many challenges students face while learning from home such as limited access to online material due to poor broadband connectivity. A recent survey conducted by SpunOut.ie also found that fifth year students face considerable uncertainty. Those fifth year students understand why the sixth year group were prioritised in the initial response to this crisis. However, now that the Department has found a solution for the leaving certificate students of 2020, will the Minister review the concerns expressed to ensure that next year's leaving certificate students are not adversely affected by school closures resulting from Covid-19?

In addition, I am conscious that the coming months will also create uncertainty for student teachers in terms of their placements. I note the Teaching Council issued a statement last week regarding students who are expected to qualify in 2020 and had yet to complete their final school placement. It is welcome that they will not be adversely affected when it comes to applying for registration with the Teaching Council. Prospective student teachers will require detailed guidance for future school placements in the long term as a result of Covid-19. I note last week's press release highlighted that guidance is now being developed. However, it is important that prospective student teachers would have clarity as soon as possible on what they can expect for the 2020-21 academic year.

Lastly, similar to the Minister's native county of Donegal, Mayo has three populated islands, namely, Clare Island, Inisturk and Inisbiggle. In particular, Inisturk and Clare Island typically send their post-primary students to Sancta Maria College, Louisburgh, on the mainland. I ask that specific clarity be provided for families based in our island communities as their children often reside on the mainland from Mondays to Fridays and that such arrangements can

continue.

Deputy Emer Higgins: It must seem like a lifetime ago to the Minister when the decisive and courageous decision to shut schools was made at the beginning of this pandemic. We only need to look to neighbouring countries to see the impact that acting early and quickly has had; speed has indeed trumped perfection. The upheaval to the education system, however, has been massive. Who could ever have imagined that an entire year of students will not sit the leaving certificate examinations? However, decisive actions from the Minister and his officials have meant that those students will not be hindered in their further education or in beginning their careers.

I can only imagine the minefield of issues that arose in overcoming the complex administrative and legal obstacles to enable calculated grades. As we lift restrictions during what are traditionally the summer holidays, minds are naturally beginning to shift towards September. Could the Minister provide clarity to students, teachers and parents on plans to reopen schools in September? Also, what support will be made available to children with special needs who do not have the option of availing of any of the three options within the summer support provision? I am working with a constituent who has two children with profound and complex needs. Their special school, Abacas, Kilbarrack, will not open this summer. The HSE has stated it does not have the resources to provide home-based support to their family and the summer camp their children attended last year, Manor Home Care, will not be opening this summer. What support will be available to families in that situation?

I thank the Minister for asking officials to meet me and representatives of Scoil Chrónáin, Rathcoole, during questions here in the Dáil on 10 June to discuss plans on land that is earmarked for an extension for Scoil Chrónáin. Unfortunately, I have not received an update from his Department on that meeting. Could the Minister arrange that a date is agreed for the meeting by the end of this week if possible?

Deputy Frankie Feighan: First, recently, I have noticed an influx of young children with autism being enrolled in smaller rural schools. The principals are very concerned. They want to know if funding is available for extra accommodation and to work with those young children. It is an issue that has happened in the past while.

Second, Scoil Mhuire, Carrick-on-Shannon, is a primary school with more than 460 pupils. I have raised this issue in the Seanad and with the Minister. This county town in Carrick-on-Shannon needs a new school. Does the Minister have any update on that situation?

Deputy Kieran O'Donnell: I ask the Minister for a quick response to this question. St. Gabriel's special needs school, Dooradoyle, Limerick, intends to participate in the school summer provision but it has specific needs. Many of their children are immobile and in wheelchairs and will not be able to meet the normal social distancing requirements. I know the school has been in contact with his Department. I ask that when the guidelines for the summer provision are issued tomorrow, which I welcome, they will take account of the specific needs of special schools like St. Gabriel's. It is only looking to provide over two weeks because that is when it gets access to nursing care from the HSE. The Minister might give me a response to that and indicate that it is something he will take on board.

Deputy Joe McHugh: I will rattle through those questions. Deputy Dillon raised the issue of the fifth year post-primary students. It has been raised a number of times in this House and

it is something I am conscious of in terms of their own loss. It was not just about the leaving certificate students of 2020; it was the leaving certificate group of 2021. In terms of what we are doing in that instance and what is ongoing, discussions are taking place between the National Council for Curriculum and Assessment and Department of Education and Skills officials in regard to the curriculum and trying to meet the needs of that particular group because not alone did they lose out on class time, they were also disadvantaged even in terms of preparing for practical work and getting important work like that over the line. We are taking that into consideration but there will be a conclusion to those deliberations and I will keep the House informed on that.

The Deputy spoke about prospective student teachers and making sure they have information in time. That will be critical and I will ensure that will happen. He also spoke about the island communities and ensuring that we have provision in respect of the issue he raised.

Deputy Higgins spoke about the profound and complex needs of a constituent. Unfortunately for some parents, a school will not be available for one reason or another. In some instances, schools have never opened for July provision, and doing so this year would be a big departure. I assure the Deputy and the parents of children with severe or profound complex disabilities that we will try our best to facilitate them. If the Deputy could send on the details of the individual in question, I will ask my officials to look into the case.

Deputy Feighan keeps raising the issue of Carrick-on-Shannon. I cannot give the House an update today but I will be happy to ask my officials, one of whom is sitting to my right, to follow up on that issue and contact the Deputy and the school directly. Deputy O'Donnell mentioned St. Gabriel's school. He has raised it with my team several times now. The school's management is looking for clarity and public health guidelines to protect students as we open summer provision. Schools will be provided with an update on guidelines. I am confident that when the final public health guidelines on social distancing are published following a meeting with stakeholders tomorrow morning we will be in a position to facilitate the likes of St. Gabriel's school. As I outlined in my speech, social distancing will not be a requirement in the case of children with special educational needs. We have to apply common sense and a real-world understanding of that interaction. Special needs assistants and teachers have very special relationships with children with special educational needs. Sometimes that special relationship manifests itself in a close physical relationship and it is very important that special educational needs are facilitated. That will be made clear in the guidelines tomorrow.

Acting Chairman (Deputy John Lahart): I call Deputy Malcolm Noonan. How will he be using his time?

Deputy Malcolm Noonan: Beidh am ag an Aire agus cúig nóiméad leis na ceisteanna. I will give the Minister plenty of time to answer.

It is important that schools are to fully reopen. This question has been answered. The impact on children's development is incalculable and palpable, especially for those who do not respond to remote learning and for children with additional needs and disabilities. Through late starter advantage, we can learn how other countries that are weeks ahead of us in easing restrictions are meeting social distancing requirements by using screens or booths, providing testing and temperature checks, operating staggered school shifts, equipping schools with hand sanitisers and requiring extra hand-washing. It is really important that all of the unions, namely, the Irish National Teachers Organisation, INTO, the Association of Secondary Teachers Ire-

land, ASTI, and the Teachers Union of Ireland, TUI, are on board. Can the Minister reassure students and teachers that his Department will take a clear lead in ensuring that all schools are in a position to fully reopen to all students and staff in a safe and health-managed manner at the start of the new school year?

At the moment, all schools have been left to their own devices to audit needs, plan and procure services and products for safe reopening. Can a centralised procurement system be introduced to allow a consistent approach, reassure parents and ensure that every school is treated equally regardless of sector?

In the context of Covid-19, is the Department willing to actively commit to reducing the pupil-teacher ratio, thereby permanently reducing class sizes? The challenges of Covid-19 have only served to highlight the need for increased capital investment in schools at both primary and post-primary level. Can the Minister assure parents that the decision to move from a 2 m social distancing requirement is based on best health advice and not on a lack of available funds for additional temporary accommodation and staffing?

The reconfiguration of classrooms to accommodate students and children returning in September will be an immense challenge. However, many schools have an untapped resource at their disposal in the form of their outdoor spaces. While not all schools have the luxury of outdoor grounds, those that do could make far better use of passive spaces by converting them to outdoor classrooms. Outdoor spaces can offer a whole new constructive learning environment. School gardens, wildlife areas and school orchards are not just places where the mental health and well-being of young people can be tended to; they are living blackboards into which literacy, numeracy, science and the arts can be incorporated, reflecting every aspect of the primary and secondary school curriculum. A small capital grants programme could help many schools adapt their outdoor spaces using tarpaulin coverings, construct willow features, kit out toolsheds, install raised beds, buy polytunnels or create habitats for wildlife. Interior school space may need to be adapted to the storage of outdoor gear for students. An expansion of the heritage in schools scheme would help to bring in outside expertise while improving the livelihoods of heritage and arts practitioners.

Such exposure to nature on a daily basis would help the mental health and well-being of children and students. Getting out of heated classrooms and getting mucky would also help students' immune systems. If we are to make real inroads in tackling climate change and biodiversity loss, we need a whole new generation of ecologists, entomologists, environmental scientists and climatologists. We need to help our children to develop their ecoliteracy skills and become what the author Richard Louv calls "nature-smart". Mr. Louv has written:

The future will belong to the nature-smart—those individuals, families, businesses, and political leaders who develop a deeper understanding of the transformative power of the natural world and who balance the virtual with the real. The more high-tech we become, the more nature we need.

I have volunteered for many years to develop school gardens, orchards and wildlife gardens, and I have seen whole yards of tarmac or hard surfaces broken up to create gardens. Even in inner-city schools where there are no apparent areas to create a garden, space can be found to nurture the lives of our young people through nature as they come to terms with the trauma of Covid-19. Can the Department of Education and Skills initiate a small grants scheme for schools to assist with the conversion of outdoor spaces into active learning spaces in the form

of school gardens, orchards and wildlife gardens?

Finally, in light of concerns raised by school bus operators and individual schools, will the Minister outline the steps being taken to ensure the school transport scheme will be able to operate at capacity when schools reopen and will he make a statement on the matter? I have been made aware of one school in Galway which has been informed by the Department that it will have no school transport in September. This is unacceptable. Clarity is needed and a clear commitment to the provision of school transport is a right that must become a default in the system.

Deputy Joe McHugh: I thank the Deputy. His comments included seven questions. My time might be a bit short but I will give it a go.

We are not alone in our ambition to fully open schools. I was on a conference call with ministers from Northern Ireland, France and Denmark yesterday. Their ambition is to fully open schools in the new term. At the end of the day, there will still have to be guidance on how to adapt to the new world of Covid-19. In common with our most senior citizens, young people take social distancing very seriously. They understand it. They are the ones who monitor adults when they stand a bit too close together. There is buy-in there. I am confident that, with the proper instruction, training, advice and guidance for teachers and staff, we will have a new environment in schools. It will be completely different. We will ensure safety through measures like the provision of hand sanitiser outside schools and all the protocols that go with that. The key message I always repeat, and on which my officials are really focusing, is that we have to keep the virus out of schools in the first place. How to do that is the big question. All these measures will be really important.

The Deputy asked for assurance that all schools will open at the end of August or September. That is the plan we are working towards. It is my ambition at this point to ensure that collective engagement with and interaction between the stakeholders, which is now held on a weekly basis, continues to provide us with suitable advice. I do not want to put a timeframe on it, but realistically schools need to be given this advice in July at the latest if they are to prepare.

The Deputy referred to a centralised procurement process for the purchase of sanitisers and whatever cleaning equipment is needed for proper hygiene in schools. There will be a centralised procurement system. The pupil-teacher ratio will be a budgetary decision for whoever ends up in that particular hot seat. I agree that if capital investment is front-loaded, schools must be to the fore. I remember the Labour Party-Fine Gael Government of 2011, when we had all the cutbacks in the world. One of the areas that was ring-fenced was the capital building programme for schools. That was really important.

The Deputy referred to the question of health advice versus risk assessment. Health advice is paramount because this is about the safety of staff and students, but there also has to be a risk assessment in terms of the loss that is encountered by students by their being out of school potentially for a period of six months. We have to get that balance right.

The Deputy spoke quite passionately about the outdoors and gardens. Something that has been very obvious in the lockdown - my own personal circumstances, as the father of three children, mean I am very aware of it - is that there has been a massive reconnection with nature. Many schools do good work in this area anyway but it has been phenomenal to see people reconnecting with the outdoors. There has been talk about how the world of work is going to be different after this crisis and how our lives in general will be different. Schools will also be

different and making the most of the outdoors has to be a permanent feature of that. The Deputy asked about grants for sheds and all sorts of stuff. One never knows, the Deputy might get the call to be Minister for Finance and he will be able to write the cheque himself. We will see what happens if that comes to pass.

Finally, school transport is an area where there have been issues and gaps in provision. There was a change to the criteria in 2010 or 2011 which made it difficult for a lot of rural primary and secondary school students, who now had to go to their closest school if they wished to avail of the scheme. I managed to make a change for the post-primary sector so that the second closest school could be included. We need a complete review of school transport, which is what I called for before Christmas. A review team has been set up and its terms of reference have been created. This is not about rural versus urban but about trying to get the bigger piece together. The Deputy is correct that some parents do not have enough time to get this right and will need an advance warning before their children go back to school.

Deputy Aodhán Ó Riordáin: Tá dhá cheist agam don Aire. Tá sé ríthábhachtach do Theachta McHugh mar Aire, mar pholaiteoir agus mar dhuine go n-oscódh na scoileanna ar fad i mí Mheán Fómhair. Tá sé tábhachtach dúinne, do pháistí agus tuismitheoirí na tíre agus d’achan duine ar fud na tíre. Cén sórt ciste airgeadais a chuirfear ar fáil chun an oscailt mhór seo a chur i gcrích? Ní bheidh sé saor. Beidh tuilleadh áiseanna, agus b’fhéidir tuilleadh múinteoirí, ag teastáil. Cén sórt ciste airgeadais nó tacaíocht airgeadais a bheidh ar fáil ionas go bhféadfaimis na scoileanna ar fad, idir bhunscoileanna agus mheánscoileanna, a oscailt i mí Mheán Fómhair nó mí Lúnasa?

It is a great ambition of the Minister to open all schools in late August or September, and it is something we need to work towards. What financial package will be made available to make it happen? We know from other sectors that when announcements were made, financial packages were brought forward. That is welcome and it is the right thing to do. It is justifiable for us to ask if the Government is serious about opening schools in late August or September and what financial package it will put in place to allow that to happen. It will not be cheap. The schools environment will be under huge scrutiny from parents, teachers and school managers as to how safe it is. Will the Minister tell us what kind of financial measure the Government is putting in place to allow for a safe reopening of schools? He has been very responsive to us and has been here most weeks answering questions. I again put the same question that is put here every week as to what we can do to ensure schools do not suffer because of a lack of staff. Teachers are being lost over the course of the summer and, in many instances, there is going to be a major impact on the ability of schools to open in September in the way they would like to do.

My second question concerns school meals. The Minister will have the ready-made, go-to answer that this is not a matter for his Department, which I appreciate is correct. He mentioned that he has been talking to Ministers in other countries about what they are doing about reopening schools. That type of engagement is what Ministers should do. Every other jurisdiction in these islands has committed to continuing its school meals programme over the summer. The provision has been extended in Northern Ireland, Scotland, Wales and, in the most high-profile case, in England. The authorities in all those jurisdictions have recognised that vulnerable children will go hungry if their respective school meals programmes do not continue over the summer. In fairness to the Government, it recognised this issue at Easter, when the school meals provision was continued over that two-week period. Schools, including their teaching staff and SNAs, rallied around to ensure that could be done. The whole school community made it work. However, when I put in a parliamentary question purely to get clarification that the scheme

would continue over the summer, I was surprised and disappointed to discover that it is not the intention or plan to do so.

I wish to elaborate on why this programme is needed. In any economic collapse, as the Minister knows, unemployment rises. We have heard that cases of domestic violence have risen as well as cases of addiction, and there is a huge mental health strain on families. In those circumstances, it is inevitable that where families are under huge pressure, including financial strain, decisions have to be made and children may lose out by going hungry. This is not necessarily a comfortable topic to talk about but it is a fact that children are going hungry in society and we will see more of it this summer. What the school meals programme has done is provide regular, routine and nutritious meals for children who need them. I know the Minister to be a decent politician, as is the Minister for Employment Affairs and Social Protection. This absolutely should not be an Opposition versus Government issue that is thrown over and back like a party political football. What I am asking the Minister to do is to be an ally in the call to extend this provision. I am asking him to commit to meeting with the Minister for Employment Affairs and Social Protection or her officials over the coming days and to make an announcement that the school meals programme will continue into July and August. It would be, at the most, a €10 million decision.

This week, we assume, the current Administration will be going out of office. If it is one of the last decisions it makes to extend the school meals programme, it would be an extremely welcome one. The Minister, Deputy McHugh, and the Minister for Employment Affairs and Social Protection would be congratulated strongly right across the House for making that decision. The Minister has the get-out clause of being able to tell me that this is not a matter for his Department and it is somebody else's responsibility. I would like him to say that the point I am making is a valid one and that what INTO and the Children's Rights Alliance are saying about school meals are valid points. I would like the Minister to say also that he agrees with those valid points and that he will take them and do what he can over the coming days. If he were to say that much, it would be a fair thing for him to say. I think he appreciates the unfairness of a situation, to give an example from his own area, where children in Derry are getting school meals over the summer while children in Donegal are not, even though they are both going through the same pandemic and the same crisis. It does not make any sense.

I am appealing to the Government to make the same decision that has been made in Northern Ireland, Scotland, Wales and England. None of us wants a situation where families are struggling and having to make decisions on bills and so on which result in children going hungry. I know the Minister will appreciate that there is an absolutely bone-crushing and spirit-crushing humiliation that goes along with hunger. It is not just the lack of a meal but the lack of a future that goes with it. Resentment and anger can build into that and it really has a deeply wounding effect on the child who is hungry. I would appreciate the Minister's support on this issue.

Deputy Joe McHugh: Gabhaim buíochas leis an Teachta as an dá cheist. Bhain an chéad cheist leis an chostas agus an buiséad chun na bunscoileanna agus na meánscoileanna a oscailt i mí Mheán Fómhair. Tá an ceart aige. Beidh costas níos airde i gceist. Is é sin an fáth go bhfuil comhrá ar bun idir an Roinn Caiteachais Phoiblí agus Athchóirithe agus mo Roinn féin maidir leis an phlean. Is é sin an chéad bhealach.

Ach is é an dara bealach ná, nuair atá an phlean le chéile agus muid ag breathnú ar an reachtaíocht, na pleananna atá againn fá choinne na scoileanna a oscailt i Meán Fómhair - na lámha a ní agus an reachtaíocht atá i gceist fosta. Táim cinnte go n-éireoidh an costas níos

airde. Sin an fáth gur inis muid le Teachta Donohoe go mbeidh cinntí móra de dhíth maidir leis na rudaí sin nuair a bhíomar ag caint le mo chomhghleacaithe sa Rialtas an tseachtain seo a chuaigh thart.

The first question the Deputy raised related to the costs. He is right that there will be a massive cost involved in schools returning fully and having the proper guidelines in place and the necessary infrastructure around it to ensure teachers, staff and students are safe also. The engagement is ongoing now between the Department of Public Expenditure and Reform. The memo I brought to Government last week outlined very clearly that there will be a decision to be made and approval from the Department of Public Expenditure and Reform for this exceptional cost.

I will address the second issue that the Deputy raised in the minute I have left. As he correctly pointed out, the school meals programme kicked into gear at very short notice last Easter and at the time we were very much indebted to the schools for adapting to it so quickly. There was also a big voluntary engagement, some schools used the local GAA club and different voluntary groups and An Post stepped up to the challenge as well. I am having the conversation with the Minister for Social Protection, Regina Doherty. We are looking to do something in this area. I appreciate the Deputy raising it here today as well and something like this is not a political issue to be tossed across the Chamber. I certainly would be interested in hearing Deputy Ó Ríordáin's viewpoints on how we do this. As he is aware, the schools have been under pressure in dealing with the calculated grades process. In the more than 200 schools that have registered for the summer-based provision we will provide school meals, as well as for the DEIS schools involved in the summer camps, so that will be covered anyway. If the Deputy has any ideas or suggestions around how we do this and my instinct is that there is a great capacity out there at a community level as well, whether it is youth groups or community groups, perhaps there could be some sort of support there in trying to distribute the food as well because it is something that I would like to support.

Acting Chairman (Deputy John Lahart): Deputy Gannon is next. How does he propose to use his time?

Deputy Gary Gannon: As I have a statement full of questions, if there is any time at the end I will get to them.

Acting Chairman (Deputy John Lahart): Very well.

Deputy Gary Gannon: I am conscious that some of the questions in my statement may be addressed in the guidelines that are being issued tomorrow and so I cannot understand why we did not get them in advance. This was also a frustrating aspect of the July and summer provision that was announced last Friday week, in that we had a debate on the Wednesday on the July and summer provision and then the announcement was made on a Friday. I am new to this House but it seems nonsensical to me that we cannot scrutinise these decisions in advance.

In the early days of the pandemic, the mantra that we clung to was that speed trumped perfection. It was a powerful and appropriate message that issued from our own Dr. Michael Ryan in his capacity as the chief executive of the World Health Organization. It was a message that was quickly appropriated by the Government to deflect criticism where actions taken during the pandemic did not meet the standards that were required, be that in testing capacity, in confused messaging around the necessity of PPE or the exclusion of women returning from

maternity leave from accessing the temporary wage scheme. We were told that “Speed trumps perfection” and amidst a global pandemic and national crisis, we all attempted to engage constructively and accepted that to be a reasonable justification.

How do I apply that same standard to the Department of Education and Skills, when once again I sit here in this Chamber, in late June, with absolutely no guidance in my hand about what education will look like once the doors open, be that in a couple of weeks’ time for the summer provision or else in late August? Decisions taken by the Department to date, enormous as they have been, have been painfully slow. They have contributed to increased anxiety for students and parents. According to the educators and professionals in that sector, which I worked in, it is a consequence of an element of disrespect being shown to the sector. When we talked about closing the schools, we had all the gossip that happened before that. When we talked about cancelling the leaving certificate, every dog on the street knew it was going to be cancelled before it was announced and yet the decision had still not been made at that point. I am conscious that I have ten minutes here to ask questions and receive answers that could bring some degree of clarity to the issue but such is the confusion that reigns in schools about how they should reopen, I do not believe I could achieve that even if the Minister and I had the whole afternoon together. It is absolutely ludicrous that the level of detail that has been provided by the Government is such that I can visualise exactly how pubs are going to open next week and the three weeks after that. I know about the necessity for a €9 meal; I know about the social distancing guidelines. I did not learn that by osmosis, I learned that because those sectoral interest groups had the ear of the Government, whereas schools that are due to reopen are still crying out for information. Maybe it will emerge tomorrow but this has not been the case so far.

I want the Minister to paint me a picture, if possible, of what schools will look like in September and I will approach that by visualising myself walking through a school. Let us imagine any secondary school be it in Dublin, in the Minister’s constituency or that of any other Deputy. I imagine walking up to the door of that school in September. Who is going to meet me upon my arrival at that school to ensure that I have disinfected my hands? Will it be the secretary or the deputy principal? If it is to be secretaries, as they have been accessing their own industrial relations mechanisms last year, that might bring up issues. If it is to be the deputy principals, there has been a significant problem with the hours allocated to them. Are we expecting them to spend eight hours every morning - when some schools only have eight hours of deputy principal time - ensuring children disinfect their hands? I was going to ask the Minister where exactly the sanitiser was coming from but I welcome the fact that he has already brought some degree of clarity to that.

As I walk down the corridors, what instructions have been given to the students that I meet along the way? Will instructions be given to them before they start in September as to whether it is a one-way system or whether some students who are immunocompromised might need to have PPE and who precisely will provide that to students who may need it? Some would argue all students will need it but those who are themselves immunocompromised or whose family members at home are immunocompromised certainly will need it. Will that responsibility fall on the school, the Department or the student’s family?

As I walk into the classroom, I am very conscious of what it will look like. In particular, will teachers and SNAs be required to wear PPE? The Minister has suggested this will not be the case but I do not know how we can make that determination now, particularly if the virus were to re-emerge over the next couple of months. It has been said that we may not need access to that much PPE but I do not accept that. If a teacher or SNA is immunocompromised,

surely they should have as much PPE as they need. I am conscious also of the role of the SNA in the classroom. In any classroom I have been in, SNAs sit really close to their students, they whisper constantly to them. Will instructions be given to SNAs about the proximity at which they can engage with their students? In my experience, it is a very close proximity. However, as some of those students may themselves be in difficulty or have challenges related to their immune systems, what guidelines will be in place?

Furthermore, how many students are even going to be in the classroom? I was appalled over the weekend - I hope it was not another kite being flown - when a statement from the ESRI suggested that we might have to stagger classroom times, that perhaps there will only be half of the students in a class. I absolutely hope that that is not going to be the case. If it is however, where does the Department expect the rest of the students to be? I hope the answer to that is not that they will be at home because if so, it will have a devastating impact on families generally but particularly on those most vulnerable who will be expected to leave their jobs to provide care. I am thinking especially of one-parent families, the vast majority of whom are women at the greatest risk of poverty and deprivation. The Department has a responsibility to provide education and we simply cannot abdicate it. I am in no way suggesting that the Minister has done so but I wanted to reaffirm that statement.

If I leave the classroom and walk to the staffroom, what measures and advice will I find on the noticeboard there? Education is always a challenge emotionally for teachers who must deal with young people experiencing the various different anxieties that come with being a young person. In the age of this pandemic, however, young people have had to be in their rooms or have not had exercise, or have had challenges with their living environment. We are facing a wave of emotion and teachers will be on the front line of it. Friends of mine and others I have spoken to who are teachers are genuinely concerned about being burned out by Christmas from having to deal with that. It is a challenge that they are willing to accept but it should not be one that we force on them. What supports will be offered to teachers, particularly mental health supports? There are also practical questions, for example, with regard to cleaning staff in schools. I note that the report yesterday stated that teachers will be expected to clean their own cups, which is fine. Most teachers do that anyway. Who will clean the canteens? Most schools have cleaning staff for two hours a day. We will need many more than that. Will the Department hire more cleaners to help teachers? Where the virus may re-emerge, it would make sense for the Department to take on more contingency staff in the event that teachers have to cocoon or remove themselves if they are sick. Will we hire more staff to step in and fill those gaps?

The class of 2021 has been discussed on various occasions. I do not think it will be possible for the class of 2021 to sit the traditional leaving certificate examination, as has happened previously. We need a quick decision to be made about that. Students should not go back to school in September still whispering about what examination will be taken. Let us avoid that. I know the Minister said that people are working on it, which is great. When does he anticipate getting some clarity on that? Will it be before September? I know I asked many questions and there is no expectation that the Minister will answer them all, but if he could let us know that some clarity will be forthcoming, I would be grateful.

Deputy Joe McHugh: I am happy to do so. The Deputy raised a number of issues and asked why we do not have the guidelines today. We do not have them today because the engagement with stakeholders is happening tomorrow. A central ingredient in this process, whether it relates to the junior cycle, cancelling written examinations or calculated grades, was to get buy-in from stakeholders. It has been an incredibly positive process which will continue,

and it is the only way that we will get to the other side for September. The Deputy is correct that the decisions can be slow. If he considers, however, that we cancelled the leaving certificate in their 95th year and then, within a few weeks, came up with an entirely new system of calculated grades for which we secured buy-in from teachers and schools, he will agree that while it is not the perfect system, we were not slow. I know in the real world of politics that we can work on an hour to hour or day to day basis, but the reason the decision on the cancellation of the leaving certificate examinations was slow was quite evident. One does not announce the cancellation of the leaving certificate examinations without having a proper alternative plan. That is why it was important that the day the stakeholders agreed to cancel the examinations, they also had to be walked through the calculated grades system.

The picture in September will be the picture in September. We hope to be in a much stronger position if the country continues to have such a positive outcome of keeping Covid at a low level. We want to continue to move but we are monitoring countries such as Denmark, which is saying it wants everybody back in the classroom in September. It is the same in France and Northern Ireland. There will have to be close collaboration to ensure that we get to that point. If the Deputy wants me to paint a picture, I am confident that, in September, we will have all students back in class, studying and preparing for the year ahead.

Deputy Richard Boyd Barrett: Is the Minister aware of how frustrated and annoyed teachers and parents are about the lack of clarity regarding the reopening of schools in September? He needs to be. Every primary school knows or learns quickly that one cannot put a square peg into a round hole, but it seems that the Minister and the Government think one can and are determined to try to put a square peg into a round hole. The square peg in this instance is the Minister's determination to reopen schools as normal and the round hole is, pre-Covid, the most overcrowded classes and most underfunded education system in Europe, and now on top of that is the requirement for social distancing. One does not fit into the other and everybody knows that is the case. The round hole becomes even less able to take the square peg when, in the framework document that the Minister produced on 12 June, he categorically ruled out the thing that could resolve this conundrum by stating, "It is also not feasible to consider the wholesale splitting of classes and recruiting extra teachers – given that there are significant teacher supply issues currently." If that is the case, we are banjaxed. The Minister can insist he is going to put the square peg into the round hole, but it cannot be done.

It does not matter whether the Minister talks about pods or bubbles because, as one teacher put it, we already have pods and bubbles, and they are called classes. To give the Minister an idea of what those classes look like, in one DEIS band 2 school, a teacher who I will not name has 30 children in sixth class. She says that almost all of the kids in that class are taller than she is. How will that class be turned into bubbles and pods with social distancing and isolation when somebody has symptoms? Where will that person be placed? Who will look after the room in which someone is isolated? It does not work unless we have extensive recruitment of teachers and significantly expand the capacity of our system, providing the necessary funding and resources. The Minister is ruling that out. Many cleaners would need to be recruited for the necessary sanitisation of the classrooms to try to manage this. Even in the best case scenario, I know that this is difficult, but the Minister seems to be insisting that he is not doing the one thing that could possibly point the way to resolving this conundrum.

I put it to the Minister that this cannot and will not work. It is reliant on blind optimism about what the Minister hopes might happen in September. Even then, is it compliant with what NPHE and the expert advisory group say about social distancing? I do not see how it could

be unless they say that no social distancing is necessary in schools. Will the Minister please resolve that conundrum? I put it to him that what is necessary is a call for Ireland, but a better one than we had for healthcare workers. We need a call for Ireland to appeal for people who are qualified and for cleaners and so on who will be offered proper, paid jobs in education to give us the smaller class sizes where the bubbles and pods are possible. Recruit all the school secretaries. Are they expected to sign on for the dole again this summer after all the work they have done? Can we treat special needs assistants with respect and pay them properly too? They are angry about how they have been treated.

Deputy Paul Murphy: I have two questions, the first of which flows from what Deputy Boyd Barrett was saying. For parents, students and teachers, there is a significant desire to have schools fully reopened in September. People know that children's education and development are being damaged, as is their emotional well-being. They need to be back in school, learning, socialising and processing the times that we have been through. There has been a worrying attempt to pit students and parents against teachers and to turn parents against teachers' unions, which are rightly seeking to ensure that the reopening of schools is done safely. The real issue is the attempt to reopen schools cheaply, putting children, teachers, their families and the wider community in danger. The Minister referred to the case of Denmark where schools opened two months ago with a strict 2 m limit and class sizes of ten students. They have taken over sports halls and other spaces to give the physical space to allow reopening to be safe. That is what we need to do here, that is what the science demands, and that is the logic. We have to do that, and that means getting the space but also the staff. It does not mean jamming 30 or more students into cramped classrooms, piling more responsibilities onto overworked teachers, calling them pods, bubbles or whatever, and expecting that is going to keep the virus away.

This is our chance to bring down class sizes, improve education and give children the extra support they need. Bring in the thousands of substitute teachers and employ them immediately, and employ more SNAs. We need to do that now in the context of the coronavirus and we need to do it into the future in respect of improving our education system. I would like the Minister to answer that question now, and then I will come back in.

Deputy Joe McHugh: What was the question?

Deputy Paul Murphy: Will the Minister agree to employ the staff we need to enable safe reopening and will he also get the space?

Deputy Joe McHugh: Regarding the safe reopening of schools, at the heart of any decision will be the fact that the advice is clear. The advice we get from NPHE, and the advice we have always been getting, has been based on the safety of our citizens. It will be no different for schools. It will have to be safe and no Minister is going to make a decision that would put students or teaching staff in jeopardy. That is not the case. Ambition is important, as is hope. Deputy Boyd Barrett referred to creating hope. We have to hope that we will be in a better position to ensure we have the full reopening of schools.

We are no different from any other country in Europe that shares that ambition. Some countries have done this differently. Sweden has never closed its schools. Northern Ireland, Wales, Scotland and England kept their schools open for the children of front-line workers. France opened on a partial basis, and Deputy Murphy is correct about Denmark also opening on a partial basis, as did the Czech Republic and Greece. We are learning from those partial reopenings, but the ambition of those countries now is to work to a full reopening of schools in September.

It is only right that we have the same line of purpose and ambition for our students, because if we do not get this right, if we do not have all of our children back in schools in September, they will have been out of school for six months. We have seen the gaps regarding regression in respect of special educational needs students. That is only one category, but other students and children have lost out and that has to remain the focus.

Deputy Paul Murphy: I want to ask about Firhouse Educate Together secondary school. I previously submitted a written question about this issue. To cut a very long story for those parents short, there had been an agreement to start in September in Firhouse, where the school is located. What is being said now by the Department is that, because of the coronavirus, they will have to go to Citywest. I had an answer from the Minister to my parliamentary question today stating that the “Department is in on-going communication with the Patron Bodies concerned regarding all options”. It is simply not an option for the parents in Firhouse to be asked to trek across to Citywest. There are many testimonies from families, such as the McGahons, stating it simply will not work for them. They currently walk to school in ten minutes and they will be asked now to drive to school in 30 minutes, in a situation where many students have special needs etc.

Acting Chairman (Deputy John Lahart): Does the Deputy want an answer?

Deputy Paul Murphy: Yes, please.

Deputy Joe McHugh: The Deputy has raised an important issue, and it is one on which I have had representation from the Acting Chairman, Deputy Lahart, as well as my party colleague, Deputy Brophy. I have asked my officials to give priority to this issue. The Deputy is correct to state that there are ongoing discussions to look at a potential solution. We are still in that space, but I am happy to go back again to my officials today after this issue has been raised, because it is an important matter.

Acting Chairman (Deputy John Lahart): I call Deputy Richard O’Donoghue. I am sorry, I call Deputy Tóibín. I ask the Deputy to forgive me. He is next.

Deputy Richard O’Donoghue: That is the second time.

Deputy Peadar Tóibín: I hope that short level of bias does not display future Government relations.

Acting Chairman (Deputy John Lahart): I am the last man to ask about that, Deputy.

Deputy Peadar Tóibín: Many leaving certificate students have gone through fiercely difficult times in recent months. Many have been cut off from their social circles and many have gone through Covid-19 themselves and lost loved ones. Many are also going through serious economic difficulties brought on by the economic crisis caused by Covid-19. On 24 June, many of them still have many questions. I hope the Minister will be able to answer some of the questions I ask. This may be the last ministerial question time for Deputy McHugh while he is the Minister for Education and Skills. If it is not, I wish him luck with continuing with this work into the future.

Will the Minister tell students, who want to know, when the written leaving certificate will take place this year? What schooling, tuition and support will be afforded to students in advance to help them prepare? In addition, if the predicted results are in, they could be published

by July, and that would allow for students to sit their written leaving certificate, if they wished, in August. That would mean they could gain access to third level education this year, and that is important because one of the biggest negative side effects of choosing to sit the leaving certificate this year is the threat that such students will not be able to achieve a college place this year.

My final question regarding third level education concerns the many calls I have got from parents and students who are in drastically different economic situations this year compared with last year in respect of SUSI grants. Will the Minister guarantee that people who find themselves in that different economic situation will achieve a SUSI grant this year?

I want to move on to July provision. I have been talking to teachers and parents, and there is significant worry regarding July provision. There is again a blinding lack of detail regarding this area. It is a week from July and no social distancing guidelines have been given to teachers. I spoke to a principal as late as ten minutes before this session started, and I understand that one of the insurance companies is now not willing to give employee cover to schools due to the lack of guidelines from the Minister. It was stated by that company that it does not know the parameters of the teaching services that will be provided and, as a result, it cannot give employee insurance. I understand as well that, as a result, many schools - maybe even a majority - will not go ahead and apply for July provision this year. There are two ways for the Minister to fix the situation. He could give clear guidelines regarding social distancing to these principals and teachers, or his Department could provide insurance for schools that hope to provide July provision. Will the Minister do that?

Regarding the return to school, and it does not give me any pleasure to say this, the truth of the matter is that some of the utterances that have come from the Minister and his Department recently have scared the living daylights out of parents throughout the country. There is the phenomenal level of speculation concerning how many kids can attend a school, for how long, and for how many days during each week. That speculation has done no justice and has not been of any help to parents throughout the country. That speculation and the lack of decision-making means that the Department and perhaps the Minister have been bounced into decisions at a really late stage, as happened with the leaving certificate.

We are two months from the reopening of schools and I understand there are no guidelines regarding a return to school. There are no guidelines regarding what to do with vulnerable staff and students, the wearing of personal protective equipment, PPE, school buses, after-school clubs, making schools available after hours for community groups, what to do if there is a case of Covid-19 in a school, the cleaning regime, access by parents to schools, non-contact drop-off and pick-up of children at schools, learning supports, and special needs assistants, SNAs, who move from class to class or even, in some cases, from school to school. There is also the question of what to do if a child who is sick arrives at a school. The biggest question affecting teachers and principals right now, however, is what to do in the case of the need for substitute teachers in the case of teacher absences. This is a major problem anyway in schools due to the lack of teachers currently in the system, and more so in regard to Gaelscoileanna and the lack of teachers in that system. How will it be possible to cover classes where teachers are absent?

The last issue I wish to touch upon is that of children with Down's syndrome and their experience transitioning from preschool to primary school. I am going to share with the Minister a letter I received from a distressed parent.

It states:

24 June 2020

Our daughter Sinéad is five years old and has Down Syndrome. Like every child in the country she has been at home since March 12th. This has meant that she has missed out on the following;

- All the preparations carried out in preschool around the transition to ‘big school’.
- The classroom visit and stay, usually carried out by every primary school in this country in June, to introduce children to their school and where possible their class teacher.
- As Sinéad has level 7 AIM support in preschool there should have been an Access and Inclusion Model transition booklet completed to aid her move to primary school. There was no opportunity for her AIM transition booklet to be completed due to lockdown.
- She has also missed the support and preparation provided by her home tutor (funded by our branch of DSI).
- School readiness workshops provided by Enable Ireland have also been cancelled.

All of this, not to mention the structure, routine, socialising and learning missed through this unprecedented event.

July Provision is the only opportunity left to provide structured transition supports to our daughter, however we were informed yesterday by the Special Education Section of your Department that only children transitioning from a preschool into a special class or special school will qualify for July Provision.

It is our contention that this amounts to discrimination. Based on the school we have chosen for our daughter; a decision we put a lot of thought and research into. Her diagnosis, which has created many barriers for her, which she has tackled, is also somehow now hindering the Government’s provision of support to her.

Discrimination has and will continue to challenge Sinéad, throughout her life. However the idea that the departments responsible for supporting, protecting, educating and providing for her, are where our energy is spent, challenging and fighting for her rights is shameful.

Will the Minister guarantee that this family, and any other family in the State in a similar circumstance, will receive July provision?

Deputy Joe McHugh: I thank the Deputy for asking these specific questions. His asked when the written leaving certificate examinations will be held. They will be held this year and the earliest possible date for that is November. I stated publicly that I would like those examinations to be held during the Hallowe’ en break in October. They cannot be held in August because the calculated grades will not be out until then. There is an enormous process now to be gone through. The opt-in option for people who are engaging in the calculated grades will arise in a few weeks’ time and out-of-school learners will also have an opportunity to opt in. There will then be a process of standardisation. It is, therefore, a complicated process.

I publicly stated my ambition to have the results out as near to the traditional date as possible. As the Deputy knows, that traditional date is in mid-August. There are no guarantees that will happen but once we move to the next phase of the opting in, we will be in a better position to see where we will be in August.

The answer to the Deputy's question about the SUSI grant is "Yes". While SUSI grants are based on 2019 income streams, there will be an option for parents and students to look at changed circumstances in 2020.

The Deputy raised the issue of the parameters for social distancing during summer provision. Guidelines and advice on social distancing have been given. As the Deputy will be aware, schools were informed of the guidelines two days ago and are awaiting the specific guideline on social distancing. That has not been published yet because there will be a meeting with stakeholders tomorrow. Once that meeting has taken place, we will be in a better position to publish the guidelines.

On the issue of school returning, let us face it, we were given the green light to open schools by public health officials last Friday week. Our schools were closed on 12 March and we were given the go-ahead to open them last Friday week. Since then, we have been prioritising summer provision and the rules, guidelines and guidance for teachers and principals. I get the frustration. There is no question but that people are frustrated because a principal has the goodwill of special needs assistants and teachers to go ahead with July provision but is still awaiting the guidance. We will be in a better position tomorrow.

I am over time but I will respond to the last question the Deputy asked about the support of children with Down's syndrome. I expanded the scheme. The scheme was specifically for children with autism and severe and profound intellectual disability. We expanded it to include children with moderate cases of disability and Down's syndrome. We also expanded it to include early intervention classes but students who are not in those early intervention classes are not included. Nobody feels more than I do for the parent whom the Deputy talked about but, unfortunately in this instance, only early intervention classes will be included.

Deputy Richard O'Donoghue: I realise that the Department has had a difficult time trying to work out a programme for schools in September and the transition from the pre-Covid period to now. It is safe to say that schools cannot eliminate the risk of infection but will try to mitigate it in line with whatever guidelines are given to them. Schools are awaiting the issuance of the new template. The one issue about which they are concerned is what monetary allowance is being given to schools to make them Covid ready.

A number of my constituents have been in contact with me in emotional states regarding adults and children with special needs who are in their care. These constituents have not received any guidelines as to when their loved ones will go back to their schools. They have stated that every other organisation has a roadmap whereas they have nothing.

July provision is welcomed by many of my constituents. However, there are several children who have fallen between the cracks. It is difficult. Parents have taken time off work to care for their children and are looking forward to availing of July provision. I know of one case where a child got the go-ahead for July provision from the school but now has no transport to get there.

Will the Minister establish next week a dedicated phone line for different areas to help get July provision to run as smoothly as possible for all concerned? It would help people if there were a dedicated phone line for each area that parents could ring to get the guidelines and the support they need and to help July provision to run smoothly.

Deputy Tóibín referred to the SUSI grant. I was delighted to hear the Minister say that

SUSI grants will be based on 2019 income. I have an issue with the SUSI grant. Fine Gael has entered into discussions to form a Government with the Green Party and Fianna Fáil. To avail of a SUSI grant, a student must live 45 km from the school or college where he or she studies. To measure that distance, the Department takes the shortest distance from place to place on Google. That measurement could include roads on which even Deputy Eamon Ryan would not cycle. I have people coming to me who live less than 500 m from the N20. The measurements are forcing those people to take routes to a particular school and they are then disqualified from receiving the SUSI grant because they are short by 400 m. All grants should be calculated using the main routes to college. The Department is using the routes through the city of Limerick to make its measurements so we have congested traffic again to get people to schools. There are link roads around Limerick. Anyone who is going to college should use the main routes. It should not be the case that the Department tells applicants that the guidelines mean they have to go via this road or that road, and that therefore an applicant does not qualify for a grant. That does not work.

There has been much talk about infrastructure. The Government put infrastructure in place and is now using it to stop people qualifying for the SUSI grant. I am asking the Minister to let people use the main routes to get to their colleges and work on that. I know people who qualified for the grant last year but do not qualify this year because the guidelines have changed and one has to use the direct route. I am asking the Minister to intervene. I am looking for a dedicated phone line and for main routes to be used in the measurement for the SUSI grant.

Deputy Joe McHugh: The first matter the Deputy raised was on monetary guarantees. There is going to be a cost involved but I reassure the Deputy that discussions with the Department of Public Expenditure and Reform are ongoing and before there is any conclusion as to how school reopening will look in September, there will have to be financial commitments from that Department. That will happen. I take the Deputy's point on the special needs issue. It has been difficult. The last three months have been difficult for people in different sectors, for people losing jobs and front-line workers and all the different pressure points. However, the area we are all thinking of is that of people with children with special educational needs. That is why I really wanted this programme to go ahead. I wanted to expand it and what a year to try to do it with all the unknowns, constraints and uncertainty. One thing is for sure and the Deputy will be hearing it in his own constituency in Limerick. The goodwill, enthusiasm and solidarity within the education community to make this happen is going to make it happen. Unfortunately there are going to be deficits such as school transport but I reassure the Deputy that parents will get a grant. The SUSI grant will be looked at in the context of new deliberations.

Deputy Mattie McGrath: The Minister has answered some of the questions I had. I want to ask him especially about the special needs children and the Down's syndrome children. They have been left out. After the July provision, there is uncertainty and people do not know. I could mention class sizes and the figure the Government quotes. I have a granddaughter in a classroom of 34 students to one teacher. They are the real figures behind what is going on. Boards of management and principals are under enormous pressure. There is another cohort that I worry about greatly, namely the school bus tickets. We have bedlam every year. The Minister of State, Mr. John Halligan, was dealing with it last year and there was absolute bedlam. This year a strong cohort of the bus operators are private operators who are not contracted to Bus Éireann and now they are out there penniless. They have to maintain their buses. They have to do the DoE test, have them insured and get all the different certifications and they are willing to do that. They have not got a cent. Thankfully the operators with Bus Éireann are

getting 50% of payments but these people are being discriminated against. What is going on is deplorable and nobody is taking any interest, neither the Minister, Mr. Ross, nor the Minister, Deputy McHugh. Someone needs to grasp that because if they do not have those buses in September to bring children back to school, there will be a further problem.

I salute the staff in SUSI. Ger in my office deals with them a lot. They are working very hard. We had serious issues with SUSI when it came out first a number of years ago but it has been streamlined. Deputy O'Donoghue is right about the guidelines on the distance of 45 km. The way it is worked out you would think they were flying to school. They have to go around roads, avoid traffic and whatever. Surely there must be flexibility, not a huge amount but a little flexibility that they can avoid certain roads. We do not have the roads that Eamon Ryan has around Dublin or the network of buses and DART and everything else. If he has his way we will not have them either. If Fine Gael has its way with him, we will not have them either.

Those issues are very concerning, particularly in respect of special needs. We need clarity. I refer to the students unions and indeed the secondary schools. I praise Ciara Fanning, a girl from my own county who is doing great work. The Minister mentioned that there is a meeting of stakeholders tomorrow. They are finding that when they have a meeting with the Minister, announcements are made before the meetings are over. It is only tokenism that is being shown to them and that is not fair. *Ní neart go cur le chéile*. Everybody needs to be supported in this and everybody is doing their best.

The other issue is this. Many communities have excellent community centres now. Some schools have gone ahead and organised these themselves. There should be some programme or incentive put out by the Minister for the finest of the community centres that are out there put there by the people, the enablers of the communities as I call them. Many of them got grants from the State and manage the upkeep themselves. Those fabulous community halls need to be used. They could have been used for the exams too, if there had been a bit of intrigue and intuition in the Department, a bit of planning. The Department is stale and the officials are just stuck in pigeon holes and cannot think outside the box. That is what was wrong. The Department mandarins will love this new Government because we will have Ministers changing every couple of months and they will love that situation.

Deputy Joe McHugh: I can assure the Deputy that the Department is not stale. There are 1,300 people working there and over the last three months they have been faced with unprecedented challenges. They showed amazing resilience and had the ability to be creative as well.

On the issue the Deputy raised in respect of operators outside the Bus Éireann contract, he is correct that it is the Bus Éireann-contracted private operators who get the 50%. There was an issue and I know it was raised in my own county. We have a contract as a Department with Bus Éireann and it is specifically with Bus Éireann. On school bus tickets, the Deputy is right that we are faced with this conundrum every summer. It is unnecessary pressure for parents at times because it is a difficult one to get right. On the new guidelines that were introduced in 2011-12 for the nearest school, I managed to change the criteria for post-primary whereby the second closest school could be included. We still have issues for primary school. That is why I have set up a review for the school transport sector and it is really important that it is not just going through the motions. I have the terms of reference and we have a group set up internally in the Department. No doubt the House will be kept up to date on it. The student representative body of the secondary school students played a phenomenal role during the debate on the leaving certificate. Their voice was critical and crucial. The Deputy mentioned Ciara Fanning

from his own county. She was so articulate and so on the ball in representing the pressure and stress on students at that time. I acknowledge that.

Deputy Catherine Connolly: The matter concerning external students for whom predictive grades are not appropriate has been raised already and we need clarity. I ask the Minister to give clarity on that as soon as possible. On practical students, I tabled a Dáil question and asked the Minister about this on the last occasion. I did not expect him to know then but we need clarification, for example, in respect of the National College of Art and Design and the practical subjects there, whether it will happen during the summer. The students have been left in limbo.

I thank the Minister for his speech. It is detailed and confirms that there will be extra resources for cleaning schools, which will be absolutely essential. There is a framework for drawing down money in respect of the sanitisers. The Minister also addressed mental health and well-being, which is awfully important. I suggest that one of the best ways of doing that is to leave the schools with a sufficient number of teachers. A lot of schools are now facing losing a teacher over losing one or two pupils. It is totally unacceptable in the year we have had. If the Minister is seriously interested in mental health that is one practical way of doing it.

On the summer provision, fáiltim roimh an éacht atá déanta ag an Aire. Gabhaim buíochas leis as ucht a chuid oibre, ach is mór an trua agus an náire é go raibh orainne mar Theachtaí Dála scéalta pearsanta, a bhí chomh truamhéalach sin, a léamh amach sa Dáil chun brú a chur ar an gcóras agus chun cinnteacht a fháil maidir leis an scéim seo. Níl sé sin ceart ná cóir agus ba chóir go mbeadh an scéim sin ar fáil mar cheart do dhaoine. I have no reservation in thanking the Minister for his efforts. However, it is a reflection on all of us that we had to come in here and read out personal statements of the serious situation at home that parents find themselves in with, more importantly, their children struggling to cope. We have voices for the vintners and for the hotels and bed and breakfast accommodation, and rightly so, but we had no voices for those children and parents who struggled. There was certainly no voice for them on NPHE. Finally we have confirmation that the July provision is going ahead. No system is good where we have to depend on reading out personal statements. Deputy Byrne made a point about what research is being done by the Department. I agree totally with him. It should be research based and it should be proactive from the Department. What resources do they need to do that, so that they can be visionary and analyse the problems on the ground? What is it that they need so they can provide these services? Have they told us? Has the Minister asked them?

On the actual provision of the scheme, it really highlights how we have let children down. We are now catering for a certain group, which is good, and we have expanded it to children with Down's syndrome, which I welcome. However, we have highlighted those falling between the gaps. We have a school in County Galway where there are ten children with special needs. Four teachers came forward and the school came forward, and they have been told by the Department that they could only have the home-based system and could not do it in the school. Then we have the transition incidents which were mentioned already, somebody going from primary into secondary school. Then we have somebody going into an ordinary school with special needs and they are not catered for at all in this provision because it is not a special school. I have another letter here, as all Deputies have, from teachers in secondary schools with children with special needs not being provided for at all. The Minister has done great, he has confirmed that it is going ahead and is being extended, but surely it is time, if we can give billions out in packages. Surely it is time to analyse the need on the ground, preschool, primary and secondary, among children with special needs. What do we need to do during the summer and every summer? Surely it should not take Covid and stories being read in the Dáil to tell us

what is necessary for a civilised society. These parents are saving the State a fortune. We are providing a minimal service during the summer. Surely it is time to leave a legacy. The Minister has started the expansion, let us look at expanding it further to meet the needs on the ground.

Down Syndrome Ireland has written to all of us. There was an expectation that children in secondary school with Down's syndrome would qualify under the scheme and unfortunately they do not. Perhaps it is too late for this year or maybe it is not. Perhaps the Minister could look at it on a case by case basis. Where schools have come forward and are willing to do it such as the school in Galway, surely they should be allowed if the teachers are willing.

There are packages for schools. Some weeks ago I mentioned a school in Galway which incurred extra cost from postage. Surely there is a way that the school can get some help on that.

Deputy Marian Harkin: The Minister and I have had conversations across the House regularly in the last weeks. I thank him for his attendance and his answers. I will fly through my questions to give the Minister time to reply. I put down a question on external candidates. I know one who is working, registered in her own school to do higher level Irish to access primary school teaching. She contacted the State Examinations Commission, the Minister's office and everybody. She said that people are very nice but nobody can give her an answer. I am not exaggerating when I say she has sent dozens of emails and made phone calls. She still does not know what will happen. The Minister's office did come back with a response, namely, that out of school learners would be contacted, but I want to know when. This young woman has been studying for the past year and needs to know now what will happen. If someone has attended grinds with a registered teacher - I do not refer to this specific case, but generally - could that be seen as credible satisfactory evidence for predicted grades?

There are two parts to my second question. Several Members have raised small rural schools which are about to lose a teacher. I have asked the Minister if he would consider being flexible about that this year. If schools go from three teachers to two, or two to one, it puts huge responsibility on those left to manage Covid. Maintaining the current levels would also help with social distancing. Deputy Mattie McGrath suggested using local community centres and so on, as have I. School transport was raised. The Minister responded to Deputy Noonan that there is now flexibility around the nearest or second nearest school. Have any decisions been taken to cease existing school routes where the issue of those attending the nearest or second nearest school does not apply?

Finally, on devices, the Department has provided schools with resources to help students who do not have access to resources, in some cases purchasing them. However, there is a question of some teachers not having access but using their own devices. There is a question of GDPR. Has the Minister any advice to teachers on this and are there any requirements on teachers using their own devices?

Acting Chairman (Deputy John Lahart): The Minister has two minutes on Deputy Harkin's question and then I will give him a few minutes to conclude.

Deputy Joe McHugh: The matter of external candidates has been raised by several Deputies. External candidates will be asked to opt in. That will be in about two weeks. I advise those candidates that as part of the process of opting in they will have to register an account of how they were being taught, who was teaching them and as much detail as possible as part of opting in. That will feed into the calculated grade and how the student progresses. The Deputy

asked about a grind school with a registered teacher. Absolutely, if a registered teacher is providing that tuition-----

Deputy Marian Harkin: It is actually private grinds.

Deputy Joe McHugh: Yes, but if it is a registered teacher or a retired teacher, for example, whose registration may have lapsed, they will be in the position. The person will also have to provide data on when the tuition was provided and over what period. Hopefully that is of some help.

Many Deputies have raised the retention of teachers. This was a year for the schools to hold onto the teachers but when the teachers know that the numbers are not going to be there for a given year, they move on and many of them have been reappointed at this stage. Where we have teachers looking for work on a substitute basis or on the supplementary panel or there is any availability of teachers, there will be demand in September. I want to make that clear. I have been contacted by a few teachers who have concerns and were given advice because they are immunocompromised or because of their health needs they cannot go into the classrooms themselves so we need to have substitute teachers ready for that.

Whether existing bus routes are extinguished all depends on the level of demand. If the students are there, and they were there last year, there has been no change in policy. The only change in policy that I introduced last year was to include the second closest school for post-primary. There is still an issue with primary but there might be common sense about where we are going with school transport as part of the review.

Maidir leis na daoine agus na daltaí scoile speisialta, aontaím leis an Teachta go bhfuil dúshlán agus dualgas orainn faoin treo is fearr dóibh. B'fhéidir go mbeidh deiseanna ann tríd an samhradh nó tríd an bhliain chun tacaíocht nó cuidiú a thabhairt do na tuismitheoirí uile. Tá siadsan faoi bhrú maidir leis an mbearna thar an 12 lá i Márta agus táim cinnte agus dóchasach go mbeimid ag breathnú ar scéim don samhradh atá ag teacht taobh istigh de chúpla seachtain. B'fhéidir go mbeimid ag bogadh ar aghaidh leis an scéim sin agus má tá deiseanna nó buntáistí á bhaint amach as an scéim, b'fhéidir go mbeimid ag tabhairt tacaíochta amach anseo sa bhliain seo chugainn.

Acting Chairman (Deputy John Lahart): The Minister did not complete his opening remarks earlier. There was something in it about calculated grades if he would like to return to it as there would be a great deal of interest in the matter. I will give him a further minute or two.

Deputy Joe McHugh: I thank the Acting Chairman for his indulgence. I covered much of it in subsequent interventions. I did attend a virtual meeting of European Ministers for education yesterday where we shared the latest updates and plans for reopening across Europe and the things learned and experienced in other jurisdictions continue to shape the development of our own detailed guidance. We are now beginning to see how the public health guidance is starting to evolve in other jurisdictions as progress is made in suppressing the Covid-19 virus. This is enabling these countries to bring more students safely back to the classrooms so they can get their schools operating at or close to normal levels.

I am particularly conscious of the ongoing need to have regard to the situation in Northern Ireland. Last Friday guidance on reopening schools from 24 August was published. The Northern Ireland Executive has an objective to see a return to school for all pupils as soon as possible. It is envisaged that the refinement of the social distancing arrangements and maximising use

of space within school buildings will enable class sizes to return to near normal levels. The experience from countries across Europe shows us that the journey to bring schools back close to or near normality is evolving based on careful consideration of risks.

Given that the response to the pandemic must adjust and adapt to the circumstances prevailing in the country at the time, the guidance issued this week to schools in the summer programme will be updated further in the coming weeks in preparation for the return to school at the start of the next school year. This will ensure that the best advice, based on the most likely situation that will apply for the next school year, can be given.

There is also significant collaborative work ongoing in the tertiary sector to prepare for reopening. The diversity of provision in tertiary education means that situations of specific response within the overall roadmap are necessary. My Department is working closely with the sector to develop an adaptation framework, which will provide a shared structure for Government sectors, institutions and providers to use in preparing their plans, in continuing to adapt in response to changes in public health advice and in ensuring that consistently high-quality standards can be achieved in an inclusive way. A tertiary education roadmap is also being developed which provides information on what can be expected from a tertiary education experience for programmes that will continue through summer 2020 and for the 2020-21 academic year.

Before concluding, Chairman, I want to update the House on developments in the calculated grades process. Deputies will be aware that we had asked schools to return schools-level data, made up of school-aligned estimated marks by earlier this week. The calculated grades executive office in my Department will be examining the data submitted to first ensure that it is complete, and then to move on to the next steps in the process. The calculated grades on the student portal will reopen in a number of weeks, at which point students will be invited to opt in to receive calculated grades. The executive office will also issue guidance to out-of-school learners in the coming days. A great amount of work has gone into the process to ensure that every effort will be made to provide a grade. I urge all out-of-school learners to carefully study the guidance which will be issued in the coming days and to engage with the process outlined.

In conclusion, this is my sixth time to be before this House since 23 April. Each time I have set out openly the work that is being done across the education sector. The sessions here in the House have focused on this year's leaving certificate, the provision of a summer programme and the reopening of the sector. Deputies, in turn, have raised a number of issues of concern to them, students and their families. The education sector and in particular the local school is at the core of much that we as a country strive to achieve. We want the best for our young people and learners right across the board. We all want our learners to be given the best opportunity possible to reach their full potential. We have seen school communities, principals, teachers, SNAs, other staff and secretaries, as well as parents and pupils themselves standing up and facing the challenges brought about by the virus. We in government, officials in my Department, and the representative bodies that have engaged us, have all been working hard through these challenges as well. Great spirit, resilience and leadership have been shown and together we all have a role to play in getting our country and every sector back to normal. Children and young people need their education and all children need to be able to access their education.

I thank all of the teaching staff who have engaged and continue to reach out to their students over the past period. Much of the work has gone on behind the radar and behind the scenes and those teachers, principals and leaders who stayed connected to their students and the SNAs who

also stayed connected with their students have all done a phenomenal service. Yes, there have been gaps and issues but as I re-emphasise and reiterate here today, computers will not replace our teachers. It is invaluable to have that resource, that backup and that technology as an additionality to the capacity we have within the system but I say thanks again to everybody, to the Chairman and to my colleagues in this House for their courtesy, as always.

Acting Chairman (Deputy John Lahart): I thank the Minister. That concludes the statements by the Minister for Education and Skills on the reopening of schools and summer provision. We will take a break now and suspend for 20 minutes before proceeding with the statement from the Minister for Justice and Equality on measures to protect victims of domestic violence during the Covid-19 outbreak.

Sitting suspended at 5.04 p.m. and resumed at 5.27 p.m.

Covid-19 (Measures to Protect Victims of Domestic Violence): Statements

Minister for Justice and Equality (Deputy Charles Flanagan): It is deeply regrettable that domestic abuse and sexual violence are so prevalent across society that we are discussing these issues in the Dáil. However, I very much welcome the fact that Deputies are here and that people are participating in seeking ways to combat these horrific crimes and to be briefed on the response across the justice sector, particularly during the pandemic where special measures were required.

Over the past week we have seen a number of deeply distressing incidents. We cannot, of course, discuss individual cases in which Garda investigations are ongoing at the risk of prejudicing any eventual prosecutions. However, I want to comment briefly on two cases in which the criminal process has concluded.

No one can fail to have been moved by the tremendous bravery of Philomena Connors, Helen O'Donoghue, Mary Moran, Margaret Hutchinson, Anne O'Reilly, Bridget O'Reilly and Kathleen O'Driscoll, who spoke so powerfully last week following the conviction of their father for a catalogue of abuse against them over a long number of years. I believe there are questions to be answered. I expect that this will be done in due course by the appropriate agency.

Over the time of my membership of this House, we have seen a number of horrific cases, all of which resulted in inquiries and all of which were supposed to have drawn a line under these horrific events of child abuse. I refer to the Kilkenny incest inquiry, the Kelly Fitzgerald inquiry, the McColgan horrific experience, the Roscommon case in the west of Ireland - the "House of Horrors" as it was dubbed in the media - and now the O'Reillys. People are shocked and saddened. I believe it is absolutely essential that we now come to grips with these types of cases and that we ensure that every effort is made to support people. As one of the girls, I think, it was Helen, said last week when she was encouraging women to come forward, people should not be afraid. She also admitted, quite shockingly, "We were thrown to the wind". It is absolutely essential, particularly for people who are marginalised, that we acknowledge they are the most vulnerable. Child abuse must be dealt with in a different way and, clearly, the State has not learned the lessons of the past.

Equally, no one can doubt the extraordinary resilience of Sonya Lee and her sisters Aisling and Natalie, who spoke this week of the life-changing impact of the horrific assault for which Sonya's former partner was recently convicted. I commend the tremendous strength of these brave women. Their dignified and courageous public comments are a call to action for all of society to fully address the scourge of domestic abuse and sexual violence in the home, both of which we are addressing this evening in Dáil Éireann. Domestic abuse and sexual violence are the most serious criminal offences. No one needs to deal with this alone. If I may, I wish to speak directly to those affected. If you are suffering, please reach out for help. To anyone with a suspicion or concern that such crimes are occurring, I ask you to please report this to the authorities to help us hold the perpetrators accountable.

Combating domestic abuse and sexual violence is a vital part of the national strategy for women and girls and the second national strategy on domestic, sexual and gender-based violence. The strategy is a living document that informs the direction the Government is taking, in partnership with civil society, to tackle these issues. Over the past number of years, and particularly since I became Minister, there has been a significant body of legislative reform, including the Criminal Law (Sexual Offences) Act 2017, the Criminal Justice (Victims of Crime) Act 2017 and the Domestic Violence Act 2018. These laws are monitored by my Department to ensure they are effective and to identify whether further changes are required. I have made the combating of domestic and sexual violence one of my core priorities as Minister for Justice and Equality. I was well aware, through my engagement with non-governmental organisations and victims, that crimes in both areas are under-reported and that a better evidence basis was required to drive forward Government policy in this area.

To achieve this, I took a number of actions. I asked an independent expert, the barrister Tom O'Malley, to chair a working group and report to me. I expect the report, which was somewhat delayed by Covid-19, to be on my desk within a matter of weeks. I established an independent study on domestic homicide reviews to inform future legislation, ensuring we can distil best practice internationally and set out the necessary supports for victims of familicide. I brought forward a proposal for another major national sexual violence prevalence study, or SAVI 2, which is under way.

Alongside this work, we are taking steps to challenge societal attitude. I published an expanded victims charter earlier this year and my Department has organised a number of awareness-raising campaigns. The "What would you do?" campaign on domestic violence ran from 2016 to 2018, while the "No excuses" campaign on sexual violence and harassment commenced last year and is scheduled to run through this year and the next. The results of a recent university survey on consent underscore again the importance of addressing societal attitudes to sexual violence and my Department continues to make progress on this vital work. In this area, I acknowledge the work of my colleague, the Minister of State, Mary Mitchell O'Connor.

I recognised that the restrictions necessary during Covid-19 would be incredibly difficult for those at risk of domestic violence and, early on, my Department reached out to our family of agencies to ensure that special measures were in place, including additional funding and supports for my Department and Tusla; provision by the Minister for Employment Affairs and Social Protection, Regina Doherty, of emergency rent supplement; and priority by the Legal Aid Board and the Courts Service for domestic abuse and childcare issues, including a helpline. Further information on the organisations involved is available on the Still Here website.

I want to address Garda action at this time. The Garda indicates that for the year to date, it

has recorded a 24% increase in the number of calls for assistance in respect of domestic abuse incidents. During the period of the pandemic, the number and rate of incidents have been tracked. Study of these data show that the number of incidents increased steadily until week 19 at the beginning of May but that, thankfully, there has been a week-on-week decline since then. Of course, the situation needs to be kept under active review. Even before the Covid crisis, the Garda had been continuously improving its specialist services. Sixteen divisional protective services units, staffed by specially trained officers, have been rolled out and this process is ongoing. I very much hope to see it completed within weeks, without further delay. The specialisation will ensure that when victims of domestic abuse present to the Garda, at perhaps their most vulnerable moment, they are met with professional and expert assistance.

Deputies will be aware that Operation Faoiseamh was designed to ensure that victims of domestic abuse would be supported and protected during the pandemic. The first phase involved a proactive contacting of persons who had been victims in the past, while the second has involved a focus on perpetrators and, in particular, cases of persistent breaches of protection orders, safety orders or barring orders under the domestic violence legislation. From 1 April to the end of May, the Garda made more than 8,200 contacts or attempts to contact recorded victims of domestic abuse. I understand that feedback from victims, some of whom I met, has been overwhelmingly positive and that these proactive contacts have led to the identification of a large number of cases in which further action was warranted. I have also heard this positive feedback from local groups and other stakeholders and I see it as fully consistent with the community engagement and focus of An Garda Síochána. There is a lesson in that experience of the impact that a proactive approach can have in this most sensitive of areas.

Finally, I wish to clarify that these issues primarily cut across two Departments, while Tusla, under the Department of Children and Youth Affairs - I acknowledge the work of my colleague, the Minister for Children and Youth Affairs, Katherine Zappone, in that area - is responsible for the provision of services and funding for victims of domestic, sexual and gender-based violence. The agency has taken a number of initiatives in recent times to augment services in this area.

I look forward to the contributions of Deputies. The cross-agency, interdepartmental approach, which has also included valuable input from the community and voluntary sector, has provided a template to build on, but there is no question of any laurel-resting here. I acknowledge there is a considerable body of work to be done on an ongoing basis. I hope and expect that lessons we will have learned from the pandemic, in this area and others, will allow us to further strengthen our national response to the issues of domestic violence and sexual violence in the home. While domestic abuse is not always immediately visible, the fact that it affects people in all age groups and walks of life is very evident. The challenge of preventing and addressing it is similarly a task for the whole of Government and the whole of society.

Deputy Catherine Connolly: Could we have a copy of the Minister's speech?

Deputy Charles Flanagan: I am sure it is available through the usual channels.

Deputy Catherine Connolly: It is not available.

Deputy Charles Flanagan: I apologise if it is not.

Acting Chairman (Deputy Bernard J. Durkan): It may be on the way.

Deputy Jim O’Callaghan: I am sharing time with my four colleagues. The consequences of the global lockdown of 2020 are, at present, not fully known. We can see how damaging some aspects of it have been, such as the damage to our economy, our medical systems and people’s health. There are other repercussions, however, of which we are still unaware. I spoke previously in the House about my concern as to the impact the lockdown was having on children and young people, but another area where it is having significant impact is that of domestic violence and abuse. I think we are unaware, at this stage, of the full extent of impact of the lockdown on domestic violence in this country. Regrettably, it appears there has been a significant increase in the incidence of domestic violence since the lockdown commenced.

It must be a nightmare for any woman - to a large extent and by a significant majority, it is women - to find herself living in an abusive relationship in an abusive and violent environment. That problem will have been accentuated by the lockdown that has just occurred. Women in those circumstances now find themselves at home, in their house or flat, with their abusive partner, who now has nowhere to go out to and who is probably consuming alcohol at home. There is a high correlation between alcohol consumption and domestic abuse. We have to be very vigilant to ensure that the State and the services funded by it are available for women who are victims of domestic violence.

This morning, the Minister, Deputies Martin Kenny and O’Gorman, and I spoke in the Chamber about the impact of gangland crime on our society and how dangerous it is. We should recall that the Garda Commissioner reminded us at the end of last year that in the preceding three years, the rate of homicide related to domestic violence was twice that of homicide related to gangland violence. This is a problem as significant as gangland violence, yet the State is not responding adequately to it.

I want to recognise what is contained in the draft programme for Government that may be ratified by the membership of the Green Party, Fianna Fáil and Fine Gael in the coming days. Irrespective of whether others in the House want to see it ratified, there is a section in it on domestic violence with which every Member and party in this House would agree. Page 86 sets out that there is an epidemic of domestic, sexual and gender-based violence in this country. It is important that we recognise that in this House because, unless we do, we will not be able to respond to it. The Minister was correct in referring to the very brave daughters of James O’Reilly, who was recently convicted. They went through an horrific experience for very large parts of their lives. It is astonishing that he was able to get away with what he did for a period of 20 years without his crimes being brought to the attention of the State and the prosecution authorities. We need to learn from that. We need to ensure structures are in place in order that women can know where to go to avail of the protection of the State if they are domestically abused.

I received a very interesting email from Ms Emma Reidy, chief executive officer of Aoi-bhneas, which is one of 39 domestic violence services across the country that are members of Safe Ireland. Ms Reidy makes the point that we need a whole-of-government approach to responding to domestic violence. She seeks to have a Minister appointed to deal with the issue. This was discussed at talks. It is potentially a good idea because, at present, part of the problem is that responsibility for domestic violence is spread over a variety of Departments. As I am sure the Minister for Justice and Equality, Deputy Flanagan, will be aware, responsibility must extend beyond his Department. We need to recognise the extent of this problem. We need to recognise that it has worsened during the lockdown and that we, as a State, are responsible for ensuring that we respond adequately to it.

Deputy Marc MacSharry: I wish to make a few points on this important issue. The Minister quoted some statistics. He said numbers have been going down week on week since May. I do not know who compiles these statistics but the lived experience of women is not reflected in them. From speaking to my local domestic violence advocacy service, which is one of 39 associated with Safe Ireland, I learned it had a steady number of calls during the lockdown period. In May, however, when there was a relaxation of the restrictions, there was an explosion in the number of calls. The number was up 420%. The clear message from that is that the many women who were unfortunate enough to suffer from coercive control and domestic abuse were not even in a position to make a call, such was the control exerted over them.

I support what Deputy Jim O’Callaghan said regarding the call from the experts on the front line associated with the Domestic Violence Advocacy Service, which is under-resourced. The new Government must do more than pay lip service to those concerned, who are on the front line fighting and fundraising to keep the lights on in their centres and trying to provide refuges. There are some in some locations but there are not enough. Funding needs to be provided continually in order that the service providers do not have to use their useful time fighting with the HSE to get crumbs from the table. Doing so is wasteful. Deputy Jim O’Callaghan has rightly pointed out that there is a need for a dedicated Minister responsible for domestic, social, sexual and gender-related violence. The Minister should have the cross-departmental reach and resources required to do the job, in addition to the responsibility for acting accordingly. I hope the Minister for Justice and Equality will exert all influence to see this through. Domestic violence represents a silent crisis in our country. All too often, lip service is paid to the idea of addressing it based on a savage attack of a kind we often see in the media but we are not hearing about the thousands of attacks that are taking place nationally.

Deputy Cormac Devlin: I extend my sympathy to the family, friends and colleagues of the late Detective Garda Colm Horkan. His death was a reminder to all of us of the stark risks members of the Garda face day in, day out.

Covid-19 has highlighted the shortcomings and failures of the supports for victims of domestic violence. Restrictions on movement, as my colleagues have just said, have magnified the crisis. The Garda has reported an increase in domestic violence cases of 30%. Women’s Aid has also reported an increase in calls to its centres. The number of refuge spaces in Ireland is well below what we are obliged to provide under the Istanbul Convention. That convention obliges Ireland to provide spaces for victims in line with its population. Tusla has incorrectly claimed there is a need for one refuge space for every 10,000 adult women. However, the obligation is for one space for every 10,000 adults. Based on this, Ireland should have 472 spaces available, yet it has only 141.

In 2018, Safe Ireland reported victims of domestic violence were turned away on 3,256 occasions. That is nine requests per day unanswered. Thousands of women and children were turned away from the centres and their services because of a lack of funding. These services were at breaking point. Over the past 11 years in Dún Laoghaire, my constituency, I have sought to have a centre for women victims of domestic violence. Sadly, that service has not yet materialised and women are forced to go to either Bray or Tallaght, where services are available. When questioned, local authorities point at Tusla, yet only last week the Minister for Housing, Planning and Local Government blamed local authorities. This pass-the-parcel approach must end. It is unacceptable.

Budget 2020 failed to provide additional funding for the victims of domestic violence.

Spaces are limited, particularly during this pandemic. It is clear the Government has failed victims of domestic violence. The next Government must provide more funding for them and afford them access to emergency accommodation when needed.

I welcome the commitment in the draft programme for Government, especially regarding the immediate review of the accommodation provision. According to Tusla, there are 60 service providers in the sector, yet the service level varies from area to area. Access to support for victims of domestic violence should not be based on a postcode lottery.

Deputy Paul McAuliffe: Like my colleague, Deputy Jim O’Callaghan, I welcome some of the proposed improvements and responses to domestic violence in the draft programme for Government but, like every Deputy, I will be holding whoever holds the relevant responsible ministerial positions to account because the State has not done enough to address domestic violence. I know this from having visited the Aoibhneas centre last November. I was not prepared for what I encountered. First, I was not prepared for the fact that somebody I actually knew was staying there when I visited. She was too embarrassed to meet me and instead left a letter to tell me how she felt. I was not prepared for the stories about the lengths abusers go to in order to stalk and track down their partners who leave them. For example, they order pizzas or taxis for the centre so the women might come outside where they can be tackled. I certainly was not prepared to hear about a victim who, after completing the programme in the centre, had no choice but to go back to the family home where she had been abused because no instrument could be found to allow her to find safe accommodation and to have financial support.

Right beside the Aoibhneas centre, there is a site on which it proposes it could expand. I ask the officials in the Minister’s Department to do absolutely everything they can to facilitate the expansion and provide accommodation. It is not just a matter of family-style accommodation. The Aoibhneas centre is a fantastic centre for anybody who needs help but there are many women who do not have children and find themselves in unsuitable accommodation. As with the Abigail centre in my constituency, there should be dedicated facilities that women experiencing abuse can avail of. I ask whoever forms the next Government to put in place a capital programme to support them.

Deputy Robert Troy: I want to add my voice to those of the previous speakers regarding some of the measures needed to address domestic violence. It is fair to say Covid-19 has had a major negative impact across society but perhaps one of the groups most adversely affected comprises victims who suffer domestic abuse. These victims can be men and women, and we may forget, on occasion, that there are men out there who have suffered as well. The Garda indicates a 30% increase in domestic abuse in certain parts of the country, and we know Women’s Aid has confirmed that there has been a major increase in the number of calls it has received.

This evening I raise the case of Esker House in Athlone, and I am sure the Minister is familiar with it, as it not only serves my constituency but his as well. It is the only women’s refuge service in the midlands. The facility met the challenges of Covid-19 by renting apartments off site, which is a positive development. That does not, however, provide the security that women want when they turn up to these shelters. The facility has a bigger issue in that Esker House currently gets €303,000 in core funding per annum. Comparing that with similar services around the country, including those with the same bed capacity and services like court advocacy and outreach, the facility is significantly under-resourced and underfunded. Esker House has put in an application for supplementary funding to deal with the need to acquire additional accommodation and a centre manager, which the facility currently lacks. I do not expect the

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Minister to know it today but will he personally look into this and revert on how the application is going? The centre is doing great work and it needs support, and I put this on the record of the Dáil this evening.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Martin Kenny is sharing his time with Deputy Pauline Tully.

Deputy Martin Kenny: I pay tribute to the many organisations around the country that do tremendous work in the area. Many of these are voluntary organisations and they help mainly women who find themselves in these positions. The lockdown caused by Covid-19 has resulted in problems for people under daily pressure because this pressure was magnified when people could not leave their home and, very often, the abusive partner or person who exhibited manipulation was with them 24 hours a day, seven days per week. It is a terrible position.

I am aware the Oireachtas Library and Research Service has done some work on this in the past couple of weeks and produced a short document that examined the matter in an international context. It is acknowledged that the problem exists in every country. That the problem exists and what we do about it is the real question. A number of recommendations were made in the study and I hope the Government is prepared to do a lot more on this.

One recommendation is that a shelter would be seen as an essential service. It certainly does not seem to be seen as an essential service in the part of the world where I live because in Sligo-Leitrim we do not have a refuge, which is a major problem for the women who find themselves in these circumstances.

I spoke today to representatives of the Domestic Violence Advocacy Service, DVAS, in the north west about this matter. They told me the service through the early days of the Covid-19 lockdown got the same amount of requests for help as it had in January and February. In May, however, these requests skyrocketed, and all through June the levels have continued to be high. Much of the contact has come from women who are contacting the service for the first time.

This reflects the problem we have in our society, and at the core we must ensure there is adequate funding in place to deal with this matter. If we are going to put funding in place, it should not just be funding to maintain an emergency service or rescue people. We must put adequate core funding in place to transform the lives of people who find themselves in such a position. We cannot have a society where people are not safe anywhere. We must make it unacceptable to have a position where women cannot be safe in their own home. To do this we must make this issue an absolute priority. It has been mentioned that a Minister or Minister of State should look after this area, and perhaps that is part of the answer. The real solution will be to focus on how we resolve the matter and transform the lives of people who find themselves in this position.

Legislation to tackle coercive control was introduced last year, and it is an example of something we can do right or well. We agreed it and introduced those provisions. However, it is remarkable to think there has been no training for anybody in any of the services around that. There has been no training for members of the Garda on how to identify or deal with a problem. There has been no training for nurses or people in Tusla. It was a case of passing the legislation here and that seems to be it. It is a shortcoming that must be addressed as quickly as possible. It can be done if the correct effort is put in.

The Government gave an additional €160,000 to various services tackling domestic vio-

lence this year, but Safe Ireland looked for €1.6 million to deal with the crisis. The Government provided 10% of the request. There is a major lacuna in taking this matter seriously and it must be addressed. The whole country is talking about this and taking it seriously and yet we put 10% of what was required into the budget to assist the organisations. That €160,000 mainly went to a small handful of organisations in the capital city, and I do not begrudge them in any way, but other organisations, including those in the north west, were left with no money and they got no additional funding.

We must address this problem in a way that will make a difference. It should not just be about rescuing people from a problem or dealing with an emergency. It is about transformation and creating a society where men or women understand it is not appropriate either to coerce, control or act in a violent manner towards anybody, particularly those who are close to them.

Deputy Pauline Tully: As Teachta Dála for Cavan-Monaghan I pay tribute to a past pupil of mine, Ms Sonia Lee, and her family, for the strength they have shown not just in recent weeks but in the past two years since Sonia endured an horrific attack by her former partner that left her with life-changing injuries. I wish her well in future.

The unprecedented levels of gender-based violence is a global problem that transcends all borders, age groups and socio-economic groupings. It causes untold heartache and hardship for families from all walks of life. In Ireland, the mental, physical and sexual abuse endured by women cannot be overstated, and it is truly shocking. Conservative estimates indicate that at least one in three women will encounter violence at some stage in their lives from a current or former partner while one in seven will endure severe or life-threatening abuse. On this small island we have the second-highest number of women in the European Union who avoid places or situations for fear of being targeted for assault. Since 1996 up to the end of last year, 230 women had been killed in Ireland as a result of domestic abuse, which is an average of ten per year. Most were killed in their own homes and 30% of the women who experienced domestic violence were physically assaulted for the first time during pregnancy.

These are frightening statistics and they illustrate the extent of the violence directed towards women in a supposedly civilised society. It is an intolerable position and it cannot be allowed to continue.

To tackle this worsening problem, an inter-agency cross-departmental approach is needed to assist victims and survivors of domestic abuse. It requires closer co-operation between Departments, including the Departments of Justice and Equality, Employment Affairs and Social Protection, and Health. We need resources and personnel to act in a collaborative manner to better protect women from abusive partners.

One of the main reasons many women do not leave an abusive relationship is the shortage of available and affordable accommodation that could rehouse victims of abuse at short notice. According to the Council of Europe, it is recommended there should be one refuge place per 100,000 people, meaning there should be 446 refuge places in Ireland. In reality there are only 143 places, which is simply not good enough. This must be addressed as a matter of priority by the next Government. Otherwise the number of women who suffer domestic abuse will continue to rise.

It should also be noted that not everybody fleeing an abusive situation requires a refuge, but they need options to live free from a violent partner.

Housing is the key requirement that needs to be made available to those fleeing domestic abuse. One in four women becomes homeless as a result of domestic abuse. In my constituency of Cavan-Monaghan, there is a severe lack of emergency accommodation available to at-risk women. This large rural constituency does not have a single refuge and there are only three staff employed to assist vulnerable women across the two counties. Undoubtedly, it is one of the worst funded areas for domestic violence supports and is a situation that cannot be allowed to continue. As far back as 20 years ago, there was a site and adequate funding secured to provide a refuge but the support services were not made available. The Department of Health failed to provide enough staff to ensure the supports were in place to help vulnerable women.

In an effort to address that dire situation, Monaghan County Council indicated a willingness to provide five houses in the county as part of a Part V development in housing estates but again the proposal failed to materialise because support funding from the HSE was not forthcoming. It beggars belief that in a supposedly modern, progressive society, women whose lives may be at risk from serious violence have no safe haven to turn to in either Cavan or Monaghan.

Ireland signed up to the Istanbul Convention a year ago. It now needs to fully implement the recommendations to which it committed itself.

Responsibility for overseeing supports should be left with the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. I understand it is possible that the services will be regionalised. If that is true, and I hope it is not, that would be a regressive step because not every county is properly supported by the services within their region.

On a more positive note, I wish to commend members of the Garda on their response in dealing with reports of abuse in the home and the way they have dealt with breaches of court orders during the Covid-19 restrictions. Similarly, I wish to acknowledge how the courts have dealt expediently with court orders during the lockdown, which has greatly exacerbated the crisis in domestic violence.

I have a number of questions for the Minister on this issue to which I hope he will provide answers. First, will there be a review of sentencing in cases of non-fatal domestic abuse because I believe the sentencing is not reflective of the seriousness of the crime? Second, are there plans to set up a domestic homicide review mechanism with powers to make and monitor recommendations on the response to domestic violence? Third, are there plans to appoint a Minister or to form an Oireachtas group with responsibility for bringing together representatives of the relevant authorities - the Garda, the Courts Service, Tusla, local authorities, the HSE, the Department of Employment Affairs and Social Protection and the specialist domestic violence services - to ensure a multi-agency approach is taken to deal with this issue? That is something I would strenuously advocate as being absolutely necessary if the Government, and this House, are serious about addressing the issue of domestic violence and the plight of women whose lives are being placed at serious risk on a daily basis. I also call for the restoration of pay and conditions for domestic violence services staff who play a vital role in helping people who find themselves in abusive relationships.

I wish to point out that the media coverage of some of these cases in the past has left a lot to be desired. There have been times when fatal acts of domestic violence have been described as tragedies. A tragedy implies to me an unfortunate incident that could have been avoided such as an accident. Death as a result of domestic violence is plain murder and should be called such.

Otherwise, we run the risk of normalising the sickening abuse of women when they are targeted by their violent and often unrepentant partners.

Acting Chairman (Deputy Bernard Durkan): We now move to Fine Gael.

Deputy Alan Farrell: No, the Minister.

Deputy Charles Flanagan: In the few moments available to me I want to address some of the issues that have been raised by Deputy Tully, and indeed Deputy Martin Kenny, in this slot. Both Deputies have echoed what has been a common grievance on the part of Deputies over the past few minutes, that is, in respect of the availability of refuge places which, I wish to acknowledge, is patchy in parts of the country and needs to be addressed. I want to acknowledge the work of Tusla in particular in that regard and say that there is currently a review well under way but I agree with Deputy Tully when she acknowledges that this is an issue for more than just the Department of Justice and Equality. It involves the Department of Housing, Planning and Local Government, local authorities and, in many respects, the Department of Employment Affairs and Social Protection also. I very much agree that this is an issue on which work needs to be accelerated on the part of the new Government. I believe that there are parts of the country, indeed in my constituency, as well as Deputy Martin Kenny's, where the services are simply not up to a standard that one would expect. I want to acknowledge, however, that while we speak about the need to increase the availability of refuge accommodation, that in many ways acknowledges the fact that the perpetrator of the violence remains in the family home. Obviously, there is the availability of such measures under the criminal justice system as barring orders and place of safety orders to ensure the protection, in the first instance, of the victim but I believe there is no place in the family home for a perpetrator and often what happens in practice is that it is the woman, and we are talking about women in more than 90% of the cases, who leaves the family home, rather than having the perpetrator put under the subject of a barring order.

I want to acknowledge what Deputy Tully said in terms of domestic homicide reviews, as well as the familicide study. I expect real progress on those over the course of the summer. Last year, I commissioned a study into familicide and domestic homicide reviews. I want to acknowledge the work in particular of that great social campaigner, Norah Gibbons, who sadly died during the course of the Covid-19 pandemic. I offer my sympathy to her family but at the same time acknowledge the great pioneering work that she undertook over decades in this area. I want to say that Maura Butler, solicitor, and Grainne McMorrow, senior counsel, have both been members of the advisory group. I spoke to Maura Butler recently. I expect that within weeks, we would be in a position to lay that before the House and I acknowledge the importance of recommendations that I expect to be forthcoming.

There are other issues specifically raised by Deputy Tully on which I undertake to send her an email in reply, having regard to the time.

Acting Chairman (Deputy Bernard Durkan): I call Deputy Alan Farrell, who is sharing time.

Deputy Alan Farrell: Deputy Higgins will speak first.

Deputy Emer Higgins: The lockdown has been a challenge for many people but for victims of domestic abuse it has been hell. Their sanctuary is not their home. They find sanctuary when they find space away from home, and they have been robbed of that for months. Many

people spent lockdown walking on eggshells to avoid violent and dangerous outbursts. Calls to Saoirse Womens Refuge in south Dublin doubled in May. Thankfully, their newest refuge, which opened in Rathcoole just six months ago, has provided much-needed safety and stability for six families. I attended its opening with mixed emotions. I was pleased that this facility was being provided for people who needed it but I was really sad that so many people, unfortunately, need that level of refuge.

Just as this Covid-19 crisis has escalated, the public's response to it has escalated also. Vital funds for Safe Ireland are being raised as we speak in this Chamber by 39 Irish female singers who, in solidarity with victims of domestic abuse, came together to release a truly powerful rendition of "Dreams". Their support and the support of the members of the Garda, social workers, organisations like Saoirse and Women's Aid, which I met recently, and the support of the Minister, is to be commended. His Department prioritised this issue during the crisis. Prominent TV and online advertisements did more than just provide information. They provided hope of a brighter, safer future and hope that help is available and is not going away, despite the crisis.

While the Covid-19 crisis is slowly fading, the scourge of domestic abuse is not. It shows no signs of abating. The chilling statistics from a Union of Students in Ireland study released just this year show shockingly high levels of sexual assault, suggesting that this problem is an issue for the next generation also. It is clear that we need a long-term strategy to tackle this scourge head on. There have been many calls for a dedicated junior Ministry within the Department of Justice and Equality to focus on domestic, sexual and gender-based violence. Will the Minister outline his views on this?

Deputy Alan Farrell: I thank the Minister for coming before us. I wish to echo his comments on the bravery of the women whose case concerning the abuse they suffered at the hands of their father was heard last week. As the Minister said, they showed extraordinary courage and dignity in coming forward and going public with that. I have no doubt that those women will do the State and the women of Ireland considerable service by coming forward. I wonder if there is a need for the Department of Justice and Equality, in conjunction with other agencies such as Tusla, to look at services that have historically been provided to minority communities in the State regarding sexual and domestic violence. I know there have been calls for this.

I also wish to echo the Minister's statement on services that are being provided during this period, as highlighted by my colleague. I am particularly thinking of the expert advice requested by the Minister on vulnerable witnesses, the investigation and prosecution of sexual offences, and the protection of those witnesses. At this time, when there is a heightened awareness of these issues, it is especially important for the Oireachtas to come together to ensure that instances of domestic and sexual violence are reduced and the services are provided where they are needed.

I commend also the Minister for Employment Affairs and Social Protection, Regina Doherty, on her work in ensuring that emergency rent supplement was introduced in the midst of this pandemic. Deputy McAuliffe, who is, unfortunately, not here, referenced it in relation to a case in his constituency. Perhaps if it had been introduced sooner, the case might have been dealt with in that way.

I would like to highlight two specific issues. I note with great appreciation the work that is being done by An Garda Síochána, in particular a member in Swords who showed extraordinary empathy and professionalism in dealing with a certain instance of domestic violence that came

to my attention. His work with a particular family in Swords is a credit to both his station and the service. It highlights a question I have asked before as a former member of the Committee on Justice and Equality in the Thirty-first and Thirty second Dáileanna. I refer to the provision of continuing professional development to An Garda Síochána. This is necessary to ensure that the specialist officers the Minister mentioned in his contribution today and on other occasions are available in each station rather than merely on a divisional basis, where some divisions have them and some do not.

Deputies Tully, Troy and McAuliffe have mentioned the patchy nature of the shelters. Having spoken to victims of domestic abuse and members of An Garda Síochána over the years, my experience is that the provision of specially trained officers can also be quite patchy. While I appreciate the work being done to ensure that more trained specialist officers are available, this training should be available to all officers should they choose to take part. Will the Minister assure the House that this sort of training will be provided on an ongoing basis?

I compliment the publicity given to the supports that are available, particularly in light of the fact that calls to An Garda concerning domestic violence have increased by 25% during this pandemic. It is very important that we keep that going. I refer to the code which a caller can give to a 999 operator, emergency services or gardaí to highlight an issue of domestic violence that cannot be mentioned on the phone. That needs to be publicised more. As Deputy Jim O'Callaghan said, we do not want a situation where a person is not in a position to make that phone call. I am thinking of *yourmentalhealth.ie*, the 50808 crisis text line and the Still Here campaign that was launched in Swords this week in conjunction with An Garda and the local authority. Services like that are so important, but we must bear in mind that it can sometimes be difficult to send that text message because doing so creates a record. The control exercised over victims of domestic and sexual violence means that doing things like that may be difficult or put them at risk. I call for an ongoing publicity campaign, spearheaded by the Department of Justice and Equality and supported by other agencies. What assurances can the Minister offer that such campaigns will be continued? My other query concerns continuing professional development and the availability of specialist officers across the network.

Deputy Charles Flanagan: I acknowledge the importance of the information and assistance campaign undertaken through the national airwaves and at local level during the pandemic. I assure Deputy Farrell that funding will continue to be made available to ensure that information campaigns are evident and are heard.

The other issue raised by Deputy Farrell, echoing the earlier contributions of many Deputies, including Deputy Kenny, is the ongoing roll-out of the divisional protective service units and the training within those units. Training has been somewhat adversely affected by the closure of the Garda Training College during the pandemic, though I understand arrangements have been made to ensure training will be at an operational level at the very earliest opportunity. I assure Deputies that the roll-out of the divisional protective service units will continue. Sixteen divisional protective service units have been set up already in 15 divisions throughout the country. However, the Sligo-Leitrim division, as mentioned by Deputy Kenny, and my own local division are in the course of being provided for. Even though the formal divisional protective services units have not been formally established in these areas, a degree of training and activity is being undertaken. That will continue as part of the commitments in A Policing Service for the Future, the particulars of which we debated earlier this morning.

Deputy Roderic O'Gorman: I will take the time myself and leave a brief opportunity at

the end for the Minister to answer a couple of questions. First, I pay tribute to the heroic work of those working on the front line to provide services for women and families fleeing domestic and gender-based violence during the Covid-19 crisis. It is also important to acknowledge the work of the Minister, his Department and especially An Garda Síochána during this period. I welcome the priority response An Garda has rolled out in the context of Operation Faoiseamh and the awareness raising undertaken through the Still Here campaign. Given the fact that so many people were dealing with domestic abuse in the context of isolation, the availability of these supports during recent months was absolutely invaluable.

I also welcome the changes that were made regarding the availability of rent supplement to those fleeing their homes because of domestic and gender-based violence, and the degree of collaboration between the Department of Employment Affairs and Social Protection and various service providers. I engaged with the Minister, Regina Doherty, on this on several occasions. The NGOs in this sector are very pleased with the changes that have been made, particularly the opening and widening of eligibility criteria for rent supplement in these situations and the provision of new and improved referral pathways. Throughout all this, it is essential that we keep in mind those families that have been suffering from domestic and gender-based violence.

We as a society can do much more to tackle the epidemic of gender-based and sexual violence against women. Central to this is reassuring and demonstrating to victims that they are not alone. As well as providing services and support to those who are immediately at risk or fleeing an abusive situation, we need to look at and tackle the root causes of domestic violence. In that regard, I particularly welcome the inclusion in the draft programme for Government of the Green Party's proposal that we introduce a national, preventative strategy as part of our next strategy on domestic, sexual and gender-based violence. As well as the day-to-day work of meeting the immediate needs of victims as they present, we have to start looking at why domestic violence is so prevalent in our society and what we can do to stop it happening in the first place.

While the lockdown might be easing, service providers and advocacy groups in this area are noticing a surge in demand for their services and are responding to women and children who have suffered the double trauma of months of lockdown and having been locked down with an abusive partner or other adult during that period. A lot of service providers are seeing situations where women with multiple children are coming forward and they have real concerns about the impact on those children of their spending the long lockdown period with an abusive adult. While the responses in this area from the Garda and the Department during the Covid crisis were strong, there is a general sense within the sector that there is a lack of cross-departmental cohesion in the overall response. This has left services without adequate resources for dealing with practical and emergency issues, particularly in the area of accommodation. Many services have had to work creatively and sometimes very quickly to source resources to keep women safe in their own homes or to find alternative accommodation.

Domestic violence services are now facing into a difficult time. All charities are under financial pressure due to the economic situation and fundraising has become very difficult. Alongside the funding issues, there are the co-ordination issues I spoke about. These problems are arising at a time of acute growth in the need for services. Many of the service providers have come together and are working on their national recovery plan so that they can be ready to respond to the increase in demand for their services. I would like to ask the Minister about the supports to be made available to the sector in the coming weeks and months. Will he be in a position to develop a further set of supports which will, first, ensure that the strong justice-led

response to this issue can continue and, second, ensure services are adequately resourced to be able to reconfigure and plan to meet the enormous demands on providers following the Covid crisis and to ensure the needs of women and children fleeing after months of lockdown can be met?

Moving on to another issue, I know that some of the service providers in this sector are concerned about Tusla's proposal to decentralise its national remit for domestic, sexual and gender-based violence services out to the front-line providers. As I noted, the providers have long been critical of the lack of central organisation, accountability and co-ordination for domestic violence services. They argue that this lack of central leadership is having a detrimental effect on their planning and delivery of services. I have engaged with the Minister for Children and Youth Affairs on this issue. In her response to a parliamentary question I submitted, she stated that Tusla has assured the Department that service provision for domestic, sexual and gender-based violence will not be affected by any organisational reform. Given the key role of the Department of Justice and Equality in responding to domestic, sexual and gender-based violence, will the Minister, Deputy Flanagan, detail his understanding of what has been proposed by Tusla? Can he give an assurance that the reforms being undertaken by Tusla will not have adverse effects on the delivery of its services and its overall co-ordination function?

Finally, a number of Deputies spoke about the new offence of coercive control which was introduced at the start of 2019. I was pleased to see in the draft programme for Government a clear commitment to roll out training for gardaí on this offence. In Scotland, the authorities put a particular premium on training police to identify situations where coercive control is taking place. Can the Minister give an indication of how many prosecutions have been successfully undertaken since this offence came onto the Statute Book?

Deputy Charles Flanagan: On the last point, which was raised by a number of Deputies, the offence of coercive control was introduced into our criminal law code fairly recently. While there has been just one conviction for this offence, there are a number of ongoing cases, particulars of which have been reported in the national media. During the course of the Covid emergency, the Garda informed me that its members have recorded a total of 62 incidents of coercive control. I would expect that in the normal course of the criminal law investigation process, many of those incidents will result in charges and will be the subject of court proceedings and perhaps further convictions. I acknowledge the importance of specific training in this regard and I echo what I said earlier in terms of that training being made available to gardaí in the context of the expansion of the divisional protective services units.

I agree with Deputy O'Gorman's comments about the inter-agency plan. I accept, as Minister for Justice and Equality, that perhaps the lead Department in this area should continue to be my Department, with the active support and collaboration of a number of other Departments, particularly the Department of Children and Youth Affairs. As a former Minister in the latter Department, I would be very disappointed if it were in any way subject to a downgrade in the context of the current programme for Government talks and developments. The Deputy quite rightly notes that, once the new Government takes office, there will be an audit of the agencies involved and the role and function of those agencies. I believe this will affect the need to accelerate and progress the whole-of-government approach. The conduct of the audit of statutory responsibilities in the area should result in a greater level of collaboration, which will be key.

I am aware of the proposed organisational reform of Tusla, as referred to by the Deputy. The matter is not within my remit but it is important that all associated Departments would be

very much involved in any reforms or changes in this regard in order to address fully a whole-of-government response to domestic abuse and sexual violence. There was reference earlier to the possibility of having a designated Minister of State in this area. I acknowledge the work of my colleague, the Minister of State, Deputy Stanton, in this area and his work on the national strategies, particulars of which have been mentioned in the course of this debate.

Deputy Brendan Howlin: This is an extremely important debate to have. I believe one of the greatest fears facing us as we hope to progress to the post-lockdown phase for Ireland is what we have yet to discover behind closed doors across this nation. We already know about, or at least have some glimpse of, the mental health issues that are going to be uncovered, which are of a scale that we have yet to come to terms with. We know the impact the lockdown has had on elderly people. Many of the older people to whom I have talked say they felt disempowered by being told that they are particularly vulnerable and must cocoon. All of that has taken a terrible toll on elderly people. It has taken a terrible toll too on the families who are at their wits' end coping with children with special needs. I spoke to one such family in my constituency yesterday. It is heartbreaking to hear about the pressures on so many different categories of our citizenry in this unprecedented time.

We may never get a complete picture of the extent of the domestic violence that has happened over recent months. We know that domestic violence reports to An Garda Síochána have increased by some 30% in certain areas, but how many of those in lockdown, in close proximity to their abuser, have been unable or have had no opportunity to reach out and seek help? Women's Aid has reported huge levels of stress and violence. This is not a pattern unique to Ireland. All the international data that have come on stream in recent days and weeks have shown that this is happening across the world, and the UK is predicting millions of additional cases of intimate partner violence during the pandemic.

In that context, it is of the utmost importance that from the outset of this crisis there have been clear instructions to every member of An Garda Síochána to arrest perpetrators of domestic violence, notwithstanding the general Covid-19 difficulties. I commend the Minister and the Commissioner on this. That has had an impact we are thankful for.

The time involved in Covid-19 lockdown has sometimes resulted in what psychologists refer to as the practice of gaslighting. I was unaware of it until recent times. Apparently, it is a reference to a play in which a woman is subjected to psychological torture. To be in a confined space and to have emotional games played, to be told the violence and coercion is not real, that a person is making it up, that it never happened, and that he or she is imagining things is a phenomenon now. Women, in particular, have been subjected to this psychological torture. Severe isolation, as we have endured in recent months, can make victims rely on their abusers to define their sense of reality and normality, and over time, what is horrific and unacceptable is presented as acceptable and somehow normal.

In that context too, the importance of the Still Here campaign, as others have referenced, is, has been, and remains extremely important, whereby agencies are telling people in clear and repeated fashion that those agencies are still here and for those people to reach out if they are in difficulty. However, there are people, particularly vulnerable women, who are in close proximity to their abusers and who simply do not have the facility to do that. We must find new ways of giving assistance and allowing them to reach out.

The Minister in his own contributions made reference to child abuse, and unfortunately we

have had a long and sad litany of investigations and subsequent revelations over the past 30 years. The Minister referenced the very first one of the modern era, the Kilkenny incest case. I happened to be Minister for Health when that arose, and I asked the then senior counsel, Mrs. Catherine McGuinness, to head up that investigation. That was a very good choice.

Deputy Charles Flanagan: I was the Opposition spokesperson at the time.

Deputy Brendan Howlin: That is the truth at the time, I remember. Catherine McGuinness, in her report, was the start of a groundbreaking insight into a hidden world, certainly an unacknowledged world, of abuse that has, unfortunately, continued. We have had many reports and investigations since, but in terms of Catherine McGuinness's work, I am aware that the Children's Rights Alliance established the Catherine McGuinness fellowship on children's rights and child law in memory of her work.

We need to ensure that the recommendations which flowed from all of these investigations are completely and absolutely acted upon. I am delighted to hear what the Minister said with regard to the Department of Children and Youth Affairs, because again I was fortunate enough to be a member of the Government that established a bespoke Department with responsibility for children in 2011. After all the reports we had that recommended a stand-alone Department with responsibility for children, there is now some talk that it might be relegated to a junior Ministry again. That would be an extraordinary backward step and I hope it will not happen.

Many Deputies have talked about services that are available to women in particular but also to families and sometimes men who endure coercive behaviour, violence, or abuse of any kind. As others have referenced services and the inadequate services in their own constituencies, I want to pay tribute to the Wexford Rape Crisis centre and to Wexford Women's Refuge, both long-standing institutions that have done extraordinary work in my home town and county of Wexford. I acknowledge the sterling work of the voluntary people who are the drivers of those centres, and the superb co-operation between the statutory and non-statutory groups, between An Garda Síochána and the HSE, and in particular with Wexford local authorities, namely, Wexford County Council. Brand new and modern facilities are now in train in Wexford to improve those that have been there for many years.

Others have referenced the fact that we need to co-ordinate our response to domestic abuse and violence of the kind everybody has instanced and discussed. One of the suggestions put forward has been for the creation of a Minister of State to haul it all together. Perhaps that is a good idea, but in the one minute I have left I am interested to hear the Minister's view in terms of the politics of that, and how best we can respond to some further horrors that will be revealed after the lockdown ends.

Deputy Charles Flanagan: Again, I acknowledge the work of my Department and, in particular, the work of my hard-working colleague, the Minister of State, Deputy Stanton, in terms of national strategies. I do not disagree with what Deputy Howlin has said insofar as having an overarching Minister of State who would have responsibility for a number of Departments. I am thinking of housing and the matter of refuges, accommodation which I acknowledge is less than adequate, the area of social protection, and of course children and youth affairs.

I refer to what Deputy Howlin said earlier, and I very much agree, on the need to ensure we learn lessons from the experience of the emergency. It should be remembered that it was unprecedented over a range of Departments, and Departments and agencies were often challenged

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because of the suddenness of the pandemic and the speed at which the virus spread across the world. In the moment I have left, I will commit to Deputy Howlin that we are leading efforts to identify lessons to be learned from the inter-agency plan, and that will continue. Indeed, I or my successor will be happy to report to the House regularly. I do not disagree with any of the points raised.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Catherine Murphy who is sharing time.

Deputy Catherine Murphy: I am sharing time with Deputy Cairns. There have been a number of devastating stories in recent months, including some of the cases the Minister has referenced. There are so many of them, and the 25% rise in the number of calls tells us that is probably just the tip of the iceberg. People, mostly women, but also men and children, are stuck in lockdown with their abuser. There is none of the usual respite, whether school, work or another activity, that would allow them to get away. I cannot even begin to imagine what that must be like. It is important to note that abuse does not always take the form of physical and sexual violence. Sometimes there is extreme emotional, mental and financial abuse that erodes a person's confidence and chips away at his or her sense of self, whatever form the abuse takes. We often ask people, mostly women, to take sizeable steps when their confidence is at its lowest. These include leaving their home and taking their children out of school and away from friends.

Any response to this has to put the victim at the centre. The Minister indicated that the abuser should be the one to leave the family home. The relationship is often so unequal that the situation becomes untenable without support. Those of us who are public representatives and have ample experience, from long before the lockdown, of people presenting know that they often present with very different issues, such as housing, matters relating to children and social welfare queries. It quickly becomes evident that there is an underlying reason, which is most often some form of domestic violence or abuse. Shocking as the statistics are, they are probably only a snapshot of the overall reality of what is occurring and remains unreported. It is easy to look in from the outside and make grandiose statements. I often hear people ask why a person did not just walk away. There is a good reason that a person will walk away up to seven times before staying away.

Where a myriad of services are available, it is practical to walk away. This is why measures such as the one recently announced by the Minister of Employment and Social Protection, Regina Doherty, were practical and made a difference. Going on a housing waiting list where one's name is attached to the title on a house can be problematic. That kind of thing makes people stop and think, and they may decide not to take the step they need to take. Real life, practical measures are worth a lot and it is essential that we put them in place. In many cases, it is only the woman who leaves home, as children may also be involved, and other matters may be in play. I acknowledge the refuge services that are available, limited though they are, and the outreach services provided by those refuges, which are often as important as the refuge itself in putting a strategy for safety in place and giving confidence to victims of domestic violence to the point that they feel they can leave. While this costs money, the cost of not doing this is much higher given the impact of abuse on the victim.

Last week, we saw the most horrific case of the O'Reilly family who experienced a lifetime of abuse. It took a great deal of bravery to come forward and I commend the sisters on doing that. The point was made that what happened may well have been because they were from the

Traveller community. They have a double disadvantage. Let us acknowledge that. The truth is that there have been plenty of high profile, horrific cases outside the Traveller community to which State agencies have, collectively, taken a blind eye. I hope we learn from this high profile case.

There is a “mind your own business” culture in Ireland with regard to family and marital issues. An important issue is perhaps how we classify things. Is domestic abuse or domestic violence the most appropriate description? It is assault. It probably does not hurt any less. We need to consider that. One of my staff had cause to dial 999 about a violent assault that she witnessed and the dispatcher queried whether it was an assault or a domestic incident. That may have been for good reason but my staff member queried why that mattered. A woman was being viciously beaten and my staff member was told that the response would be decided according to classification. That was the first time I had come across that approach. If that is done, it needs to be considered. As I said, outreach is important. There needs to be sufficient funding for that kind of core service, for which funds often need to be raised. This is a practical measure that could make a significant difference.

Deputy Holly Cairns: Is the Minister aware that there is only one domestic violence refuge for all of Cork city and county? It has space for just six families and now, due to social distancing requirements, that is down to two families. At a time when calls to gardaí about domestic violence have increased by 25%, the shamefully inadequate refuge space has been reduced by 66%. Will the Minister please address this shortcoming with immediate effect? Over the last week, we have seen horrific details emerge about the epidemic of gender-based violence in Ireland, from the violence and institutional failures suffered by the O’Reilly family in Tipperary and the tragic murder of Jean Eagers to the recent #MeToo disclosures on social media and the results of the NUI Galway Union of Students in Ireland study, which exposed the terrifying rates of rape and sexual assault among college students. Regrettably, as predicted, there has been an increase in domestic violence since lockdown was initiated.

We need to have a coherent, fully resourced response to ensure that all of the women, children and men affected feel they can come forward and will be believed and supported. To achieve this, organisations which support victims and survivors of domestic violence are seeking a single Department with one point of contact and one funding model. At present, they are forced to deal with numerous Departments and agencies with different operating systems and disparate funding models. This creates an unnecessary barrier for organisations providing an essential service. This failure in joined-up thinking was demonstrated recently by the struggle to get an emergency rent supplement for victims in need of emergency accommodation. It is still being demonstrated now when victims meet bureaucratic obstacles when they seek safe accommodation. This kind of disconnect further traumatises victims and can be a disincentive when leaving a dangerous environment. Local authorities need training, multidisciplinary staff and adequate resources to support victims and survivors. We need a single section within a key Department that will harness the required expertise and investment to tackle this issue.

I understand there have been efforts in recent years to work towards better support. We need to go further. The support organisations, the experts I always refer to, are highlighting these problems right now, and they tell us what the solutions are. We must listen to them. Victims and survivors need more support and my colleagues and I will do anything we can to achieve this.

Acting Chairman (Deputy Bernard J. Durkan): I thank Deputy Cairns. There are only

20 seconds left.

Deputy Holly Cairns: An answer about the Cork domestic violence centre would be great. There is only one refuge centre in all of Cork city and county, which provides space for six families, and only two at the moment.

Deputy Charles Flanagan: I acknowledge shortcomings in the provision of appropriate refuge accommodation. This is the subject of a review being undertaken by Tusla. I expect that will take place in the course of the summer and early autumn. I acknowledge the provision for an audit in the programme for Government which, if agreed, will be the subject matter of an early debate in the House.

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Bríd Smith, who is sharing time with Deputy Barry. Is it on a 50:50 basis?

Deputy Bríd Smith: It is 50:50. We are for equality. Although we are having this discussion in the context of Covid-19 and the horrendous consequences of the lockdown, which, as the last Deputy stated, were predicted because stay-at-home measures have driven the markers that make domestic violence abuse and psychological abuse stand out, the thing that strikes me the most is that we have had this awareness almost all of a sudden. Even the Minister's last statement regarding wanting to acknowledge the shortcomings in the provision of refuges, that did not happen yesterday or when the Covid-19 virus landed on the planet. This situation has been going on all my life. I do not know how many campaigns I have supported or been involved in to help fund, start, protect or defend a refuge here in my city or in another part of the country.

In fact, that was probably one of the first campaigns that any councillor ever elected for People Before Profit was involved in, be that in Wexford, Sligo, Dún Laoghaire, where there is currently no refuge, or indeed in Carlow, where the councillor is fighting to have a refuge provided. The people of Carlow who need to flee domestic violence and abuse rely entirely on one refuge in Kilkenny. Nine counties are without a refuge, so it cannot be just shortcomings in the lack of provision. It is an absolute outrage that, for decades, Governments - not just the Minister's but also previous ones - have ignored this issue. Now it is being really highlighted because of the tragedies exposed through the impact of Covid-19, the pressures on people and the increase in the consumption of alcohol. There are myriad other issues, however, that relate to the consequences of domestic violence and abuse.

I have to laugh when I hear the proposal for a Minister of State for this area. Appointing a Minister of State just to deal with this issue is hiving the issue off and putting the responsibility into his or her lap. The responsibility is holistic. We lack housing and healthcare provision. We have shortcomings in our justice system. We do not look after our children well enough and we are even talking about getting rid of the Department of Children and Youth Affairs, which is only newly formed. It is not, therefore, about someone over in the corner having responsibility for this area but about all of us having responsibility for it. Creating another job is not going to deal with this endemic, pandemic and cultural problem that we have around the world but which is particularly strong in Ireland.

A few things really need to be done. The first, of course, is the provision of refuges. The WHO, in its recommendations in the lead-up to the Covid-19 crisis, made several suggestions about how to deal with the issue of domestic violence, which people could see was probably go-

ing to emerge as a real issue. One of the recommendations was that we need to declare shelters an essential service. I agree completely. Outside the pandemic, shelters should be an essential service that any modern democratic government should be responsible for providing, where they are needed. I refer not only to one for Carlow-Kilkenny but where they are needed. The statement from the previous Deputy regarding Cork is absolutely frightening.

We need to scale up the awareness campaigns, which are very helpful, but we really need to target them, especially at men and boys in this country, because it is learned behaviour and many men who are coercing their partners today, or even thumping or beating them, did not pick that behaviour up off the stones. It is learned behaviour that they have seen around them. It is a wider societal problem and we need to scale up that awareness campaign.

One of the biggest tragedies I witnessed in my time involved in community politics were the cuts after the bank bailout, when the then Minister for Finance referred to picking the low-hanging fruit. In my area certainly, the first and the hardest cuts came to the family resource centres, centres for children, drug addiction centres and alcohol centres, and they have never been fully reinstated. The community sector, which had an eye on this problem and knew who the children were and was able to intervene and help the women and the families to try to get over problems or find alternatives, has been decimated. That sector needs to be wholly funded and reinstated.

My final point is an obvious thing to state. I have a cousin who recently retired as a court assistant for Women's Aid. She retired early because she stated that she could not send another family back into the arms of abusers because there is no housing for them.

Deputy Mick Barry: "I'm the oldest sister, and I was abused from the age of four upwards, so I would say to all women, never mind Traveller women, all women out there, that was abused, or anything happened to them, come forward, [do not be afraid]." The nation was shocked by the horrific rapes and abuse meted out to the O'Reilly sisters and to their aunt. In equal measure, however, the nation was powerfully impressed by the brave words of Helen O'Donoghue and the brave actions of all those women. I support their call for an inquiry into how those responsible for child protection allowed that abuse to be perpetrated against Traveller women for so long without detection or without action being taken.

The O'Reilly sisters are just a few of the many victims of violence against women in this country, including Jean Eagers, who died so tragically last weekend. Before the pandemic, the National Crime Council told us that 213,000 women had been severely abused by their partners in this State. It was an epidemic before the pandemic, so to speak. Now, however, the WHO tells us that emergency calls increased 60% globally during the pandemic and by 33% in Europe. The Garda tells us that calls increased here by 25% in April and May this year compared with the same months last year.

I want to look at this issue under the headings of funding protection, social conditions and sexist culture. In the previous budget, domestic violence services were funded to the tune of €20 million and sexual violence prevention and protection to the tune of €5 million. To show how these issues ranked in the scheme of Government priorities, we need only note the fact that the same budget provided €17 million to the greyhound industry. Last year, the Sonas Viva House refuge and outreach service, based in Blanchardstown in west Dublin, was forced to turn away 500 families for lack of funds, three times more than it was able to help. That experience mirrors that of other refuges throughout the State.

The previous Dáil introduced coercive control legislation. It was a welcome step. Then, however, the Government undermined the initiative by failing to put in place the finances needed to drive the initiative forward. At the start of the pandemic, a once-off funding increase of €160,000 was shared between Women's Aid, the rape crisis centres and the Men's Development Network. That increase needs to be maintained, but it is also just a small portion of the extra State funding needed now by this sector.

I do not have time to look in detail at the way in which social conditions are impacting negatively on people dealing with intimate partner violence. I will mention just one example, the housing crisis. In Cork, Tusla and the Good Shepherd homeless charity carried out a study which found that women who left their homes because of violence were often unable to find alternative accommodation and were forced to return to violent abusers. Almost 50% of the women interviewed for the study said they returned to live in an abusive situation due to homelessness and wanting to keep their children in a home.

Finally, on the issue of sexist culture, in recent weeks a global youth movement has kicked into gear to challenge the racism that pervades societies. This movement has drawn inspiration from the global women's movement, which in recent years has risen to challenge the sexism endemic in capitalist society. Racism and sexism have deep roots in capitalist society. A system based on inequality and division sets one group up as more than and another group as less than. A movement which fights discrimination and that fights for equality, inevitably clashes with this system. Proper funding for services to protect people from gender violence, strong measures to tackle the housing crisis and the profiteers that lie behind it, and a battle to the finish against sexist culture, all point towards the need for a new society based on solidarity and human need, a genuinely socialist and democratic society.

Deputy Verona Murphy: There is no excuse for domestic violence, and while it is women who are in the main the victims of such abuse, men may also be victims, and we should not forget that.

The Domestic Violence Act 2018 has some welcome provisions. For example, section 29 allows a court to recommend that a perpetrator of domestic violence engage with certain services, such as a programme for perpetrators of domestic violence, addiction services, counselling or psychotherapy services, and financial planning. These are essential services, the provision of which assist all concerned. They are particularly important for victims and their families who need to be safe in the knowledge that perpetrators have engaged with professionals to address their abhorrent behaviour. Are these services readily and speedily available? Are they provided free to those of limited means?

My next question relates to section 5(2)(p) of the 2018 Act. This section allows the court to take into consideration whether the victim of domestic abuse is economically dependent on the perpetrator. While I understand that section 15 allows for maintenance applications to be heard together with the Act of 2018, there will, given the necessity for speed in applications of domestic violence, be circumstances in which the application for maintenance under the Family Law (Maintenance of Spouses and Children) Act 1976 may have been overlooked or may not be before the court at the same time. Where this scenario arises, there should be provision in the Act to allow a court to make the equivalent of a financial maintenance order without the necessary paperwork, if only on an interim basis. Will the Minister outline his thoughts on implementing such a provision?

Whereas *ex parte* applications for interim orders in domestic violence cases are heard expeditiously, the hearing of final orders can take as long as six months, and longer in some instances. Delays cause great anguish for victims and all parties concerned. Does the Minister accept that such delays are unacceptable and will he tell the House how he intends to address the matter?

Deputy Charles Flanagan: I thank the Deputy for her contribution. Notwithstanding that we have been in an unprecedented pandemic for the past few months, I was pleased to liaise regularly with the Courts Service, which has a long association with my Department, and the Garda Síochána in order to ensure that the system responded where appropriate and necessary. For the benefit of the Deputy and in response to her question about civil proceedings, I should say that from 16 March to 12 June, a time during which a number of pandemic-related measures were implemented, 1,761 protection orders were granted by the courts. This corresponded to 87% of protection order applications. In addition, a total of 312 interim barring orders were granted, many of which are still in place, and 188 safety orders and 192 actual barring orders were also granted.

I acknowledge the point that the Deputy made about interim orders and the need to ensure a prompt and adequate response from the Courts Service in respect of a final order. In sensitive cases, in particular, any delay will add unacceptable levels of further trauma, upset, worry and anxiety. I do not have evidence of inordinate delays. I am pleased to report that the family law District and Circuit Courts have been in operation in Wexford and the south east. Obviously, as restrictions are now easing, there will be more court hearings to ensure that justice is delivered in a timely fashion.

On the matter of the maintenance payment, there were issues at the beginning of the pandemic when there was less certainty around than was desirable. They included access, visitation rights and how such rights would be implemented having regard to the travel restrictions. I am pleased that both the Garda and the Courts Service, through their information campaign, quickly dealt with whatever less than certain narrative was out there. I do not believe the level of confusion was as high as might otherwise have been the case.

In respect of financial orders, I am satisfied that, in terms of attachment of earnings and investigative means testing, the courts are equipped with an appropriate level of powers to allow for due diligence and justice, particularly in the matter of maintenance payments for women and children. The family law code and its legislative provisions remain constantly under review. For the past three years, I have engaged with the Joint Committee on Justice and Equality and Deputies in this House. I am satisfied that we have made considerable strides in improving our legislative framework in that time. That will continue in this Dáil. If the Deputy has any specific questions or queries, I would be happy to have them examined and I will communicate further with her in respect of the issues she has raised.

I acknowledge that the Garda has remained active in the course of the emergency, as has been acknowledged by the Deputies who have spoken, through two phases of Operation Faoiseamh in particular. The Garda victim services offices make daily proactive contact with victims who have reported domestic abuse in the past in order to update files and calls. I had a number of meetings with gardaí to assess how these undertakings were developed and a number of victims used the opportunity to request further assistance, not only from An Garda Síochána but also from local service providers. I am happy to assure the Deputy that we are in receipt of reports and that lessons will continue to be learned for future plans and development.

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Deputy Verona Murphy: I thank the Minister. Will he respond to my question about services being readily available and if they will be provided to those of limited means free of charge?

Deputy Charles Flanagan: Services will be provided, particularly those providing psychological and psychiatric assistance for people with trauma.

Deputy Verona Murphy: I appreciate that. That assistance is not only provided for the perpetrator. It is an essential service for victims of abusive domestic violence and their children and families. Many of the organisations involved in this area, of which there are not enough, depend on charity to provide these services. As we know, one of the big travesties of the Covid-19 crisis is that none of these organisations has been able to raise funds. This will put pressure on these services which, in turn, could result in a judge deciding not to recommend the services because of the pressure they are under. We do not want that to arise in society. We need to transform the lives of victims so that this behaviour does not impact on the whole of their lives. I thank the Minister.

Deputy Richard O'Donoghue: I am sharing time with Deputy Mattie McGrath. There has been a 25% increase in domestic violence since the start of Covid-19 from the Garda figures. The figure from the national helpline of Safe Ireland is 39%. Safe Ireland has stated that the Department of Justice and Equality and the Garda were phenomenal during the Covid crisis and I commend them on that. They are now dealing with an onslaught of women and families emerging out of their homes seeking help. At a time when we had Covid and we had less traffic on the roads, there were restrictions in place and the Garda was able to put a lot of its services into helping these families. Now the country is opening up again and we will have a lot of families emerging again and looking for help. The Garda resources are far from what is needed, even down to the vehicles that are required in each area. I ask the Minister that we look at this and invest in our Garda force and in the equipment it needs in order that it can provide these services. Does the Minister have a follow-up plan or sustainable package for the supports required for a Safe Ireland domestic violence service across the country? It wants the Government to build a positive response during lockdown and, importantly, to ensure that services can be guaranteed going forward. It wants a front-line-informed recovery plan which can be implemented to meet enormous demands on it after the Covid crisis. Safe Ireland wants to ensure that women and children fleeing violence after months of lockdown will not be forced to return to their unsafe homes. This was brought up earlier. Do we have the facilities across the country to help these people so that they will not have to return to their homes?

Deputy Charles Flanagan: On Garda resources, I acknowledge the tremendous work on the part of the Garda Síochána during the course of the emergency which, as the Deputy acknowledges, has been lauded by many of the non-governmental organisations and indeed by the population generally. As Minister for Justice and Equality, I have been pleased to preside over a situation where we have managed to invest record resources in An Garda Síochána to the tune of €1.8 billion. The Deputy specifically mentions Garda vehicles and reference was made to the hiring by the Garda Síochána of in excess of 200 vehicles. I wish to inform the House that most if not all of those will be purchased by the Garda and will be available alongside the 300 new vehicles purchased last year and the 200 new vehicles that will be purchased this year. That is in excess of 700 new vehicles over a period of a little more than a year, which is quite substantial. We will keep matters under review.

I acknowledge the work of Safe Ireland and all of the agencies. As I have said previously,

the measures adopted by my Department and all of the agencies will continue to be the subject matter of development in the form of an inter-agency plan. I would be happy to report further to the Deputy as this develops.

Deputy Mattie McGrath: Recent media reports indicate an increasing level of domestic violence, 30% in some areas. Shockingly, in my own area of Tipperary, calls from distressed women, in the main to Cuan Saor refuge centre in Clonmel, increased by 100% in the month of May. The number of calls went from 82 in January to 165 in May. This is very concerning. These absolutely shocking statistics illustrate just how much the level of violence has increased during this lockdown. The lockdown had an enormous impact on our economy, which is one thing, but also on human life from the cradle to the grave, mental health, domestic violence and God knows what. The sooner we get out of it, the better. Within the level of demand, the organisations must be supported. They are heavily dependent on fundraising but could not do fundraising in recent times. I compliment John and Liz Nallen of Hotel Minella, Clonmel, who held a number of drive-through concerts fundraising for different organisations. The last one was for Cuan Saor in Clonmel. A very enjoyable day was had by the volunteers there. I salute also Geraldine Mullane, manager, and Verona, Lynne, Breda and all the team at Cuan Saor in Clonmel. They do remarkable work. They normally have a music event in September under the arches in Clonmel. I do not know if they can have it this year. They would expect to bring in €13,000 to €15,000. It depends on the goodwill of the people. The Government should be doing this.

I am pleased to note that following campaigning from Safe Ireland, the Minister for Employment Affairs and Social Protection, Regina Doherty, whom I compliment - she is retiring - has done a lot of work in government since she lost her seat in dealing with the rent allowance. That will free up places in these refuge centres, which are as scarce as hen's teeth. That will free up people who will not be holding on to the beds when they can get rent allowance without issues in respect of the name on the family home and all that, which were very difficult. The income support to women and children in urgent need of accommodation is very serious.

I also welcome the setting up of the Garda special Operation Faoiseamh on domestic abuse. That is a great initiative. In Tipperary there was great take-up by the members from sections in our towns such as Tipperary, Clonmel and different places. They were willing. Indeed, Detective Garda Horkan has been praised for the work he did. I heard his retired former inspector praising him as well. They do great work. It is a difficult, sensitive area with children and families. It must be rooted out, as must the abuse against men, which is getting quite prevalent also. I have to deal with some cases of that as well. While I welcome the many rape crisis and refuge centres committed to in the programme for Government, will they be delivered? They have to be.

Covid-19 has certainly brought much-needed attention to the scale of domestic violence in the country and must be an opportunity to focus on it. It must be stamped out. People have said it is learned behaviour and maybe it is, I do not know what causes it but it is the most horrific, heinous crime. The bullying, silent intimidation and subtle behaviour reaching down to money and everything else must be dealt with. We need the resources to do it. These rape crisis centres such as Cuan Saor in Clonmel are overwhelmed with work. They do tremendous work. It is the only place people have to turn to and it takes great courage for the women to take that step, especially if they have a young family, to be in there in a small area and out of the family home, and threats may still be coming through the telephone and through all kinds of sinister ways of threatening and intimidating a partner, whether they be male or female, but mainly it

is the women who suffer. The staff of many of these services took a huge cut of 12.5% in the last cuts and they have not been restored, despite numerous requests to Tusla. This must be addressed as we move forward. We cannot expect them to continue providing that service day in, day out on those kind of cuts. I note that the programme for Government is not talking about any tax cuts now but we will have to see how far that gets us. These people should be brought up to a decent level of service. They provide a tremendous service, as the Minister knows. We all know it from dealing with families that we have referred to them. I urge the Minister to give them support and try to restore some of the salaries to these wonderful angels of mercy.

Deputy Charles Flanagan: I, too, acknowledge the work of the non-governmental organisations working alongside the statutory agencies in a collaborative manner. I have to say, however, that Tusla's funding of services is currently over €25 million this year. The work that was done by the organisations referred to by the Deputy - I would add in the Rape Crisis Network of Ireland and the Dublin Rape Crisis Centre - was instrumental in the introduction of the "Still Here" campaign. I am really grateful for their efforts and collaboration in that regard. The Department has been in a position to allocate additional funding to the sexual violence services. I refer to the programme for Government which will ensure an audit of all the statutory services which I expect will be undertaken between now and the end of the year.

Deputy Catherine Connolly: I thank the Minister for a copy of his speech. It is helpful when it is set out in written form.

I will take up a theme raised by Deputy Bríd Smith. As I listened to the debate, I went to my office and came back to the Chamber because I thought my memory was not serving me right. I went back to the Kilkenny incest case and the report from 1993. One of the comments that stood out for me then was that the level of violence was not untypical for the area. There is a big warning sign there for us. When that report was published Kelly Fitzgerald died the same year and shortly after that there was what was known as the west of Ireland farmer case, until the brave family allowed its name to be used, with Sophia McColgan and her sisters. It has continued on - we have had the Roscommon case since and the recent O'Reilly case and so on - so we know. In case we do not know, Safe Ireland and Women's Aid have told us repeatedly, as have various international bodies. The Minister stands here today and acknowledges that we have a shortage of refuges. I welcome that but we know that. His responsibility today should be to tell us why he has not done something about that, why previous Governments have not done something about that, because we are utterly failing to protect our women. The Minister has made progress, which he has outlined. All the legislation has been absolutely forced by women's organisations on the ground and by our international obligations under the Istanbul Convention which we took four years to ratify and another four years to sign and we still have not fully implemented it. It is positive but I would not clap myself on the shoulder in regard to it. We have done it on the backs and the deaths of women. Earlier someone referred to the silent crisis but it is not silent. There was a time, which the book by Erin Pizzey, *Scream Quietly or the Neighbours Will Hear*, showed how domestic violence was dealt with, but that has gone. We know the figures. The 2002 SAVI figures show the prevalence of violence among children, boys, adults. We have fought solidly since then to get a second SAVI report but we still do not have SAVI 2.

The Minister mentioned various reports which are due. I welcome them all. If he does not get to it in my time, the Minister might send me a note on when the four reports will come to us: the SAVI 2 report, the Tom O'Malley report and the report started by Norah Gibbons. The Minister rightly paid tribute to her. There is a fourth report due on how victims are treated in the

criminal justice system. Where is that one? When we look at the figures they are overwhelming, are they not? Almost one woman a month is murdered, the majority in their own home by a husband, partner or someone known to them. One would think that we would do something about that. The most basic thing we might do would be to provide a refuge, an asylum in the true sense of the word, where someone can go and get peace for a while and go back but we have not done that. It is the most basic requirement. There are nine counties without that most basic protection.

We stand here tonight and debate this when there is no need: the debate should be around the implementation of the recommendations by various organisations such as Safe Ireland and Women's Aid and our obligations under the Istanbul Convention and how we are, or are not, complying with them. The day before yesterday we read of the most recent woman murdered. A samurai sword and a cleaver were used. On the same page of the paper, I read of a man charged with threatening to kill his wife. The previous day we had heard of Mr. O'Reilly, and the Minister rightly praised his daughters for coming forward. Had I time, I could mention any amount of other cases. I repeat: the Kilkenny incest case, the Kelly Fitzgerald case, the Sophia McColgan case, the Roscommon case and the most recent one in Tuam that I have spent three years trying to secure the independent report of, and finally did, and so on. Surely at some stage we would deal with this, say we cannot go on like this and say we are not protecting women. It is costing at a conservative estimate €2.2 billion annually to the economy alone.

We should deal with this and stop the murdering of women, the abuse of women and the violence against women. It is for the good of society not only the women. That is the most pathetic statement I have made in this 15 minutes because it does not capture my sense of outrage at the way we treat women in this country for no good reason other than we do not take it seriously.

Deputy Marian Harkin: Listening to the debate, I have heard several Deputies speak of the rise in domestic violence incidents since the outbreak of Covid-19, here and globally. The increase here has been 25%. The UN Secretary-General spoke of the horrifying global surge in domestic violence. We might ask what is causing this increase. There are risk factors such as stress at home, losing a job, alcohol abuse, relationship difficulties, etc. If that is coupled with a decrease in the level of support for victims, one sees the awful outcomes. It is important to say that 90% of the victims are women but 10% are men and we need to remember that. Whether the victim is male or female, domestic violence is always about an abuse of power and the ability to exercise that power abusively can only happen in a society that tolerates it. In that context, I agree with my colleague, Deputy Connolly.

Yes, we have made progress. The Minister spoke of the legislation on coercive control. That is a positive response. It is slow burning but it can be built on. The "Still Here" awareness campaign and Operation Faoiseamh are indications that we as a society are taking steps that we will not tolerate it. Several Deputies have spoken of the positive steps taken by the Minister, Regina Doherty, to allow victims of domestic violence access the emergency rent supplement scheme. However, something is really wrong. The Minister and others spoke of some of the most horrifying cases of domestic violence in Ireland which shake us to our core but we know there are so many more cases. The recent Sexual Experiences Survey makes for shocking reading. Some 6,000 third level students were interviewed, with 38% of first years reporting being victims of some form of sexual misconduct. This rises to 50% by the time they leave college. One of the survey's most awful findings was that students with disabilities report higher levels of abuse. This tells us that domestic violence is across all generations. Unfortunately, we cannot look to the younger generation and say things are going to be better because there is no

indication that they are.

There are two issues: first, how do we stop or decrease domestic violence and second, how we respond to the victims. For the latter, I have acknowledged that progress has been made but the resources are still woefully inadequate because of the size of the problem. There are black spots. Deputy Connolly spoke of nine counties. My constituency does not have a domestic violence refuge. The county council has helped but it is still an issue. We cannot speak of an escalating problem and at the same time not have refuge for the victims.

Finally, the really difficult question is how we can prevent or reduce the number of domestic violence incidents in the first place. I do not have all the answers but we need to recognise it and to put it out there and make it very visible, because it is widespread. It is in every gathering, and is in this House. In every house there are victims and there are perpetrators. We have to accept that it is here and that it is not always in somebody else's house. We need to look at our schools and see how they shape our attitudes to domestic violence and find ways of influencing attitudes right across society. I have said that it is a great challenge.

Finally, one of the ways that we might look at really dealing with this challenge for once and for all is that the next Government might look at appointing a Minister with specific responsibility for domestic violence.

Acting Chairman (Deputy Bernard J. Durkan): I thank the Deputy. This concludes the statement by the Minister for Justice and Equality on the measures taken to protect the victims of domestic violence during Covid-19. The House will suspend for 20 minutes prior to the commencement of the next session.

Sitting suspended at 7.32 p.m. and resumed at 7.52 p.m.

Gnó na Dála - Business of Dáil

An Ceann Comhairle: Before adjourning, the House must agree the arrangements for next week's proceedings of the Special Committee on Covid-19 Response. Those arrangements are notified in the report of the Business Committee for next week's business, which was circulated this evening. Can I take those arrangements as read and can I take it they are agreed? Agreed.

Furthermore, I wish to announce for the information of the House that Deputy Carol Nolan has replaced Deputy Danny Healy-Rae as the Rural Independent Group member on the Committee on Standing Orders and Dáil Reform.

Emergency Bed Capacity: Statements

An Ceann Comhairle: I call on the Minister, Deputy Harris, to make his opening statement. I welcome the Minister. He has ten minutes.

Minister for Health (Deputy Simon Harris): I welcome the opportunity to discuss this

matter in the House but, in doing so, I have to take the opportunity, once again, to update the House on Covid-19, our response to it and its impact on the health service because it very much goes to the heart of how we deliver health services in the coming days, weeks and months.

First, and most importantly, I want to express my sympathy to the family and friends of those who have been lost to Covid-19 throughout this pandemic, and most particularly since we last met in this House to discuss this topic. All of us welcome the days when we hear that there were no losses to this disease recorded and I am very grateful that we had one of those days this week. We all want to see a time where we have many more such days. Despite slowly and steadily reopening our economy and reopening society, thankfully, so far we have not seen a rise in cases, hospitalisations or admissions to ICU. In fact, thankfully, all such numbers continue to fall.

I am also pleased to update the House, as I do each week, on the R-number in relation to the virus. I am pleased to say that the R-number has remained stable again this week. Our best estimates from our modelling team put reproduction numbers in the range of 0.5 to 0.8, according to the chairman of the modelling group, and very similar to recent weeks. That will come as good news to everybody in this House.

I should say that the small number of cases makes the reproduction number hard to estimate and the more important number perhaps to monitor in our country at this point in the pandemic is the number of new cases per day and where they are emerging. The average number of cases over the past five days was nine. That average number this day last week was 19. Again, there has been a reduction in the average number of new cases.

Tomorrow, as Members will be aware, the National Public Health Emergency Team will meet to discuss phase 3 and whether it believes it is safe to proceed to phase 3 of our reopening plan. The Government will meet tomorrow afternoon to decide how to proceed. We have all worked so hard to suppress this virus and we look in a strong position to progress to phase 3.

If we progress to phase 3 on Monday, travel restrictions across the country will be lifted. I hope we all take the opportunity to safely explore this beautiful country of ours, help local businesses that have struggled throughout this difficult time and, most importantly, see family again. I am conscious that those who may live in one part of the country and have family in another part have not seen loved ones in so many months. Let us hope next week brings an easing in that regard and a moment of reunion.

We have come through many dark days since this pandemic began. There were days when the fear of this disease was present in every home and every heart in our country and the quietness of our streets and our towns added to the unreality and uncertainty of those days. We have come through those days together but we need to get through the days ahead together. We each now have a greater responsibility to continue with the behaviours that we have all learned to ensure that we do not give this disease any opportunity to come forward again. We must continue to be cautious and clear-sighted about the power of this virus and the damage that it can do if we drop our guard. We do not have a vaccine. We do not have a specific treatment but we have learned how to protect ourselves and, crucially, how to protect others from it. We will, I believe, continue to make safe and steady progress if each day we practise what we now know. We have asked people to take practical public health measures and today, once again, I appeal to people to wear face-coverings on public transport and in enclosed spaces, such as shops, where social distancing is not possible.

Our health service, like every sector of society, will have to operate differently in this new normality. Throughout this pandemic, our GPs, pharmacists, healthcare workers and everybody working right across the health service have shown considerable innovation to continue to provide services in a safe manner. Thousands upon thousands of outpatient appointments are now being carried out in virtual clinics. Over 85,000 outpatient clinics were provided through technology last month alone. Many GP consultations are being conducted remotely. Prescriptions are now being electronically sent to pharmacists. Things I used to ask about in the Department of Health - I was told would take many years - could happen in the space of a couple of days. It is quite incredible that it takes a pandemic. We will need this innovation now more than ever to continue as we navigate our way through this next chapter.

I am pleased that the HSE has today announced its framework document on the resumption of non-Covid care services and given an outline of what the months ahead might look like. Of course, all of it is dependent on the transmission of the virus. The health service faces enormous challenges in the weeks and months ahead and gave an outline of this today.

Covid-19 will have a very significant impact on the delivery of health and social care services and it will require innovative and flexible responses to meet the healthcare needs of the population. It will require: better infection control measures; more and better alternatives to hospitals which cannot be mere lip service and must be real; transition of service from the hospital to the community; healthcare supports in our nursing homes - the crisis emergency teams that we put in place will need to be the norm and we will need to regularise them as part of our health service - and keeping people in their homes for longer, which cannot be a political slogan or a mantra and will need to be a piece of legislation passed by this House. These are no longer options. They are no longer things that would be nice to do. They will become absolute necessities if we are to continue to provide non-Covid care alongside Covid care and address many of the access challenges we face.

In our hospitals, there will be new operating realities such as: greater use of personal protective equipment, PPE, with the associated delay in donning and doffing of equipment; significant additional time for cleaning of beds, theatres and equipment; all aerosol generating procedures will require enhanced PPE and cleaning between patients, all of which will have an impact on capacity; and patients booked for surgery quite possibly will require to be tested prior to that surgery. The health service we know will be different but we must reconstruct it safely and dynamically, and we must use this opportunity to reform. While many in society want it to go back to business as usual, we do not want to go back to business as usual in the health service. We must use this as an opportunity to create a new health service - the health service we all want.

All of which leads me to Sláintecare. The Sláintecare office in the Department of Health and the HSE board are currently considering the priorities for this year and next in light of the challenges, and perhaps the opportunities, posed by Covid. It is clear that the reforms under the programme will be necessary, now more than ever.

Moving care to the community setting will be a fundamental pillar in the post-Covid world. The community care fund, which this House will know about from the budget, is committed to delivering up to 1,000 front-line staff in the community this year. Specifically, this fund will support initiatives such as the hiring of additional dementia advisers and therapists in the community, new initiatives aimed at reducing waiting lists and scaling up the integration fund projects.

Nobody knows what the next few days will hold politically, but whoever holds this office of Minister of Health must continue to drive the Sláintecare reforms forward. Crucially, the new health regions, the new consultant contract and the community fund all become essential elements that a new Government and this relatively new Oireachtas need to progress quickly while that momentum for reform and a new way of doing things is very much alive and well and being demonstrated on a daily basis in our health service.

As I have said previously, nobody knows what the next few days have in store politically. Therefore, I want to take this opportunity to thank colleagues from across the House for their collaboration throughout the past number of years, particularly the past few months. Many people mocked new politics. Many people mocked the way this Oireachtas worked differently. Let them; that is what commentators can do. I think one of the great things to come out of the previous Oireachtas was a consensus on the policy direction for the health service. We now need to build on that because we are at our best when we work together. Whether it is Sláintecare, the committee on which was led by Deputy Shortall, a referendum which even saw Deputy O'Reilly and I agree on a matter, or the entire House uniting against a well-funded vested interest to support the Public Health (Alcohol) Act 2018, we are at our best when we work together.

I wish to put on record my thanks to the wider health family, that is, the women and men who work in our GP surgeries, pharmacies, dentists' clinics, primary care centres, nursing homes and hospitals. I thank them for all they do daily and for their care and compassion.

8 o'clock When people highlight problems in the health service, they always tell me they are nonetheless so proud of those working there. I have never heard criticism of those working in the health service, because they represent all that is good about the Irish health service. I also thank those who work in the HSE and the Department of Health, especially the Secretary General, Jim Breslin. Whatever happens in the coming days, it has been a privilege and honour to work alongside them throughout recent years.

The next few weeks and months will be a defining time for the health service as we must continue to try to suppress the virus, save lives and keep one another well while, crucially, resuming non-Covid care. There is, in the midst of this time of significant challenge, a time of opportunity to create the world-class health service that the people who get up and go to work every day want to achieve, and that the citizens of this country deserve.

Deputy Stephen Donnelly: I am sharing time with Deputies Butler, Brendan Smith and Crowe. This session concerns emergency bed capacity and, for me, how we can avoid an escalating trolley crisis every year. Before Covid-19 arrived, many of us were debating the trolley crisis in the Chamber. More than 100,000 people were on trolleys last year, 13,000 of whom were on trolleys for more than 24 hours. Elderly men and women were on trolleys for days on end, and we were all personally very affected, upset and frustrated by that. In preparation for this session, I looked back at some of the testimony from that time. One person stated they had been in St. Vincent's hospital for three days, with tea and polite nurses but no doctors. Another stated their 86 year old mum ends up in the accident and emergency department regularly and had spent days in limbo. Yet another stated their 70 year old mum had spent 105 hours on a trolley in Limerick hospital and expressed fears she would die if a fire started. Our healthcare professionals, as we all know, were overwhelmed, burned out and exhausted.

However difficult it was going to be to fix that problem, the challenge has become much greater because of Covid-19. There has been a significant increase in spending on Covid measures, including personal protective equipment, PPE, testing and tracing. Waiting lists have

increased because of the necessary pausing of elective care, with those for inpatients and day cases increasing by 30% since March, approximately an additional 20,000 men, women and children waiting. Cancer screening services, necessarily, had to be closed but that, again, put a great deal of pressure on the system.

The greatest challenge, however, is probably neither of those issues. It is the fact that while Covid is here, the infection control measures the healthcare system needs to use very seriously reduce the capacity we have to treat people, including, critically, the capacity that emergency departments have to care for people. It is estimated that 20% of the beds in hospitals will now have to remain vacant. Surgeons are estimating in some cases that they will be able to see about half the number of patients in a given operating theatre session. Diagnostic capacity has severely decreased, with some people suggesting that more invasive diagnostics such as scopes could see reductions in capacity of up to 80%. As the Secretary General stated when he appeared before the Special Committee on Covid-19 Response a few weeks ago, it will cost more and take longer to do less. That is in a system that was already at breaking point.

As for what we can do, I agree with the Minister that one step we must take is to hold on to some of the positive changes that happened during Covid-19. Additional hospital beds were opened or reopened, and we should ensure they stay open and accelerate the hospital beds in planning or construction. We need to examine opportunities in presentations to emergency departments. During Covid, the number of presentations fell. Some urgent care decreased, which was bad, but so too did some non-urgent care and we need to find ways of engaging with those people and getting them to a better place than an emergency department. The Irish Association for Emergency Medicine has pointed that some referrals to emergency departments are from GPs sending in non-urgent care. They do not want to do that but it is the only place they can send patients for access to diagnostics or to care that they should be able to access in the communities. A public helpline with clinicians, which is available to many people who have private health insurance, could be excellent in helping people decide whether they need to attend or to bring somebody to an emergency department.

Equally, however, we have to increase the resources available to the emergency departments. That includes better staffing ratios for clinicians, better access to diagnostics and better access to beds. The problem is that our diagnostic and bed capacity has taken a massive hit, which will stay with us for a while because of Covid-19. To put that into context, a 20% reduction in bed capacity, given that we have to keep open 20% of the beds normally occupied, would see the number of inpatient HSE beds fall from approximately 11,000, which it is now, to fewer than 9,000. That is a catastrophic loss of hospital beds that will be seen at the sharp end, namely, in the emergency departments.

As for what else we can do, we have to source short-term capacity from outside the public system. We can provide additional funding to the National Treatment Purchase Fund and expand its remit to include areas such as mental health and diagnostics. We can establish strategic partnerships with the private providers while the Covid infection measures have to be deployed. If we need to access 2,000 or 3,000 new beds now, with the best will in the world that cannot be done simply from within the public system. These are the kinds of measures we can use in the short term to build capacity.

Second, we need to work with clinicians to get as much as possible out of the existing capacity in the HSE. We have to examine ways of opening the diagnostic suites and operating theatres longer, starting earlier, finishing later and opening at the weekends. We have to

identify quickly some of the wasteful practices in respect of bed use. One way that doctors in hospitals are forced to ensure that someone coming through the emergency department gets an MRI scan is to keep him or her in a hospital bed for days, just so that he or she will stay on the priority list, rather than sending the patient home and saying to him or her that he or she is on the priority list and to come back in two days to be scanned. We have to get these issues sorted out very quickly. All of this is well and good but it will require more clinicians, doctors, nurses, midwives, technicians and scientists. We need to identify the blockages. The number of doctors deregistering has been increasing, as has the number of vacant posts. We urgently need to examine the blockages and sort them out. One step we can take immediately is to consider the clinicians going off cycle this summer. My understanding is that we could put job offers in place for them because many of those who might have wished to travel abroad will not be able to do so.

Third, we must accelerate the parts of Sláintecare that relate specifically to capacity, such as the healthcare gap analysis, the workforce planning, getting the new regional organisations and delivery plans in place, and accelerating capital expenditure.

I imagine that every Deputy wants this problem to be solved, and I agree with the Minister that we are at our best when we work together. Getting the kind of radical action and urgent investment we need will need a new Government. It is my sincere hope, therefore, that coming into next week a new Government will be in place that can get stuck in to some of these urgent matters.

Deputy Mary Butler: Before the impact of Covid-19 on our health service became apparent, significant additional capacity was required in all aspects of care to provide access to high-quality services and to meet the needs of our growing population. I have raised for the past four years the issues of late discharges of care and the number of bed days lost because we were slow in discharging people, albeit through no one's fault.

A pilot project was undertaken at University Hospital Waterford this year. The managing director of the hospital bought capacity at a nursing home in Dungarvan. There was availability in the nursing home because it had been reconfigured, so she bought capacity of 20 beds for 12 weeks. At a cost of €1,000 per bed per week, as against €7,500 in an acute hospital setting, she was able to transfer people deemed fit by a consultant to be discharged but who probably could not go home, or whose nursing home was not ready or did not have the correct wraparound supports. This pilot approach, of buying capacity in a nursing home, could be rolled out more widely. By transferring 20 patients who were not well enough to go home but who were well enough to leave the acute hospital setting, the director was able to free up 20 beds. There was a great saving. Instead of a bed costing €7,500 per week, it cost €1,000 per week. We must consider everything because we are going to have reduced capacity. We cannot predict the future but we are facing reduced capacity owing to Covid cases, non-Covid cases, the winter vomiting bug and a possible resurgence of Covid. We have to be prepared for this. Has the planning started? Is the Minister confident that challenges highlighted during the Covid pandemic can be addressed?

Deputy Brendan Smith: Through parliamentary questions and in various health-related debates in this House, I raised with the Minister on several occasions the need to upgrade and extend the emergency department at Cavan General Hospital. For a considerable time there has been a yearly increase in attendance at the hospital, which covers counties Cavan and Monaghan. Patients also attend from parts of Leitrim, Longford and Meath. The inadequate

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accommodation obviously creates additional pressures for patients and staff. That, in itself, puts additional pressure on the delivery of health services at the hospital. Earlier this month, I was glad to learn from the HSE that the project is now at design stage. I would like if the Minister could confirm to me in writing over the next few days that the project will remain a priority. It is absolutely needed.

Alongside the emergency department development, we need major capital investment at the hospital. In view of the additional accommodation requirements arising from Covid-19, there are now particular pressures on other areas, including outpatient, day and elective cases. The current hospital infrastructure is not adequate to meet the current demands for scheduled and unscheduled care. Substantial work was carried out up to 2015 by a design team on a major capital project for the hospital. I am anxious to have that project move to the next stage. What we have at present are unbearable pressures on clinicians and all their support staff in trying to deliver care. They are working extremely hard in difficult circumstances. To be fair to the Minister, he responded in writing to other queries I raised in this format. I would like him to confirm to me that the project in question will be activated and that it will proceed to the next stage for major capital investment.

The endoscopy unit at Cavan General Hospital, with which the Minister is familiar, has been very busy over recent years, taking patients from outside our catchment area. The unit needs a stand-alone facility nowadays to ensure all the requirements can be met and so people will not be traipsing through the hospital to gain access to it. I would like it if the capital project could be progressed because there are unbearable pressures on accommodation.

Deputy Cathal Crowe: Since my speaking time is limited, I would appreciate it if the Minister could respond in writing to my questions. I wish to query the HSE's capital infrastructure expenditure, specifically on pre-hospital and acute hospital services. The expenditure on Ennis general hospital this year for the provision of an off-site outpatient unit on the Kiltrush Road will be €600,000. This is minuscule compared with expenditure at other hospitals in the mid-west region and elsewhere in the country. Ennis, it would appear, is a laggard hospital insofar as capital funding and new building are concerned.

I understand the new outpatient unit will be fully ready in the early weeks of 2021 but thus far there has been no clarity on what staff will be hired or redeployed to have it fully staffed and up and running successfully from the get-go. I would like the details of the HSE's plans for the provision of consultants, clinical nurse specialists and diagnostics at the facility. The medical assessment unit in Ennis general hospital is known to offer a high-functioning service, with a low admission rate. Notwithstanding that, the unit exceeds daily its agreed expansion number of 26 patients. I am of the firm belief that a higher capital investment in the hospital could pave the way for an overall reduction in trolley numbers in University Hospital Limerick and alleviate the many other problems that hospital experiences daily.

I wish to raise the issue of consultants west of the Shannon. There are very few of them. County Clare has no respiratory consultant despite its having one of the highest diagnosis rates in the country. An endocrinologist visits the county just one day a week and he is so overburdened with his current caseload that he is incapable of taking on new patients and meeting those who have recently been diagnosed with diabetes. I want to know whether the HSE has specific plans to address these shortcomings.

I want to speak about a pressing and worrying issue affecting a constituent of mine, Maria

Mead, from the village of Quin. The Ceann Comhairle and Minister will hear a lot about her over the airwaves in the coming days. Maria has just undergone a melanoma resection. In layman's terms, she has had several tumours removed from her scalp. For now, she is cancer free but there is a very high chance it will return. For this reason, her oncologist has recommended strongly that she undergo immunotherapy. Specifically, he has recommended that she take the drug pembrolizumab for a full year. Everyone in this Chamber will recall that this is the drug Vicky Phelan lauded and campaigned to have made widely available to cancer patients. A full year's treatment would cost Maria €150,000, money she simply does not have. She has health-care insurance with Laya but the company will not cover the cost. The VHI would cover the cost but if she were to switch her policy to it, she would have to wait two years before filing a claim. This conundrum puts her health at great risk and puts her in fear of her life. I asked the Minister to set up a working group in his Department to consider how this life-saving drug can be made more widely available.

If this is Deputy Harris's last term as Minister for Health, I thank him and commend him for his efforts throughout the Covid pandemic.

Deputy Louise O'Reilly: I am sharing my time with Deputies Gould and Quinlivan, both of whom are to have four minutes. I will cede three of my seven minutes to the Minister because I want to use some of my time to hear a response. I believe the Ceann Comhairle said we are entitled to a response, but maybe not an answer. I feel like I have just stumbled in to some kind of job interview process. I do not know whether I should be commenting on it or not.

Yesterday, Ms Phil Ní Sheaghdha gave evidence to the Covid committee. She spoke about infection rates among healthcare workers. She said she had a call with the International Council of Nurses and that Irish figures for infection rates among healthcare workers - the Minister's figures - are the highest in the world. Last night, An Taoiseach tried to contradict this. He was wrong and should apologise. Perhaps he is just waiting to find a nice, cute quote from a film to help him to find the right words. I do not know what it is but he was wrong. No country in the world uses the infection rate as a percentage of the healthcare workforce. That is not how it is managed. Internationally, we do have the highest infection rates in the world. There may be reasons for that. There may be an explanation but Ms Phil Ní Sheaghdha is owed an apology, as are those healthcare workers who contracted the virus.

With regard to bed capacity, I received from the Minister's office a response to a parliamentary question indicating there are 11,597 beds. This is 1,000 or so more than were identified under the bed capacity review. It indicates that almost 1,000 additional beds were reopened to deal with Covid-19. Could the Minister confirm that, notwithstanding infection-control measures, of which we are all aware, these beds will be kept open and that the necessary workers needed to staff them will be hired?

As we move through the summer, we get closer to autumn and winter. These are often the seasons in which we experience the worst overcrowding in our emergency departments. Does the Minister have a plan for how the health service will deal with winter overcrowding if Covid-19 is still with us? If we lose the projected 20% to 25% of beds that we agreed last week or the week before will be necessary, will the plan include using the additional capacity in University Hospital Limerick and Citywest?

On the issue of staff, why are all non-consultant hospital doctors working or who have worked in the health service dealing with Covid-19 not been offered full-time contracts to en-

courage them to stay working in the health service where we desperately need them to be?

Dr. Anthony O'Connor, the Irish Medical Organisation and the Irish Hospital Consultants Association have been at the fore in raising this issue. Hundreds of doctors, and potentially thousands, have either come home to work in the health service or have just graduated. We desperately need them. They should not be let go by the HSE. That is absolutely unconscionable. The HSE should be seeking to retrain and recruit all available doctors and healthcare workers. The Government must not continue to force young doctors to emigrate. We have what is literally a once-in-a-generation opportunity. Can the Minister confirm that the non-consultant hospital doctors will be given a contract?

I wish to ask about the lack of staff, the lack of capacity and the way in which these affect care in our emergency departments and lead to overcrowding. As the health service and non-Covid-related care get back into full swing, those who normally end up in accident and emergency departments will need to be treated. They are going to need surgery and care, and this simply cannot be done without staff. The waiting lists were paused but they have not gone away.

This is not just about offering student nurses a contract. This is about ensuring all the people who were here to help and “on call for Ireland”, as the Minister put it, would be offered the opportunity to do the work we so desperately need them to do. We are not doing them a favour. I note the conversation I had with the Minister earlier concerning individual cases. I will wait for the response.

I have asked the Minister a few times about screening services. Will he commit to a catch-up programme and confirm that the lab capacity exists to allow that? Will the Minister commit to a publicity programme? I appreciate the Minister will probably have to write to me on the next matter. Has any progress been made in reviewing the case of the group home in Carrickmacross as raised last week by my colleague, Deputy Matt Carthy? The Minister undertook to have a look at it.

I know my time is tight and I am not leaving the Minister much time to respond but I will take the replies in writing. I have a letter from Ms Patricia King that was sent to the Minister for Business, Enterprise and Innovation, Deputy Heather Humphreys, relating to the recording of Covid-related illness. With respect to section 58 of the Safety, Health and Welfare at Work Act 2005, Ms King is asking that an amendment be made to provide that occurrences of Covid-19 in the workplace be notifiable to the Health and Safety Authority. This absolutely makes sense as it is a notifiable disease and this is a public health matter. This landed on the desk of the Minister but she indicated she is not minded to resolve the matter. I have written some very simple legislation and I intend to publish it tomorrow. My hope is we will not need it and the Minister will see sense but I ask the Minister for Health to use his good offices in whatever time remains to ask the Minister, Deputy Humphreys, to take action. It could be years. This is a really serious workplace issue.

Deputy Simon Harris: I thank the Deputy for the range of questions and I will write to her on the answers I do not reach. I received a letter from Ms King of the Irish Congress of Trade Unions as well and either I have written or am about to write to the Minister, Deputy Humphreys, about it. I had a meeting with representatives of the Irish Nurses and Midwives Organisation about it as well. There seems to be logic in what they are trying to achieve with respect to the capture of data, and I would like to see engagement with them to see how best to

do that. We will read the Deputy's Bill when it is published.

The Deputy is asking a couple of questions that will, in truth, be a policy matter for the next Government. We will need the extra capacity in beds and staff as well. I spoke to Mr. Paul Reid, the chief executive of the HSE, about this today. It is possible we have a once in a generation opportunity for doctors - not exclusively doctors, as we are also talking about nurses and others - who came back to be on call for Ireland to stay here. Let us keep them here. Perhaps some are planning to leave to go to Australia or America but have not done it yet because of Covid-19, and we have a chance to keep them. I note the comments made by Mr. Paul Reid at his press conference today. This must be addressed and I think he is of a mind to do it.

My position remains the same with respect to catch-up programmes for screening, etc., and these will be clinical decisions made in the programme. I welcome the fact that from 6 July, screening letters will start going out from CervicalCheck. The Deputy pushed for switching to a HPV test as well and there will be an information awareness campaign about these processes. I spoke to Dr. Colm Henry about that today.

With regard to the Deputy's question on winter planning, there must be a real focus on the community network along with community measures and the flu vaccine campaign. I will write to the Deputy about the rest of the questions. I will come back to Deputy Carthy on the Carrickmacross matter.

Deputy Thomas Gould: I intend to speak for three minutes to allow the Minister a minute to respond. If he does not have enough time to respond he might write to me with the answers.

Deputy Simon Harris: Sure.

Deputy Thomas Gould: The matter of accident and emergency department capacity is now crucial. I was elected by the people of Cork North-Central to fight against and reverse the neglect of the north side of Cork city. For 20 years a new hospital has been planned for Cork and there were meant to be numerous announcements about this. There was supposed to be an announcement last year, either before or after Christmas, and in this time both Fianna Fáil and Fine Gael have been in power. Cork still has not got its new hospital. I am standing here for the people of Cork North-Central and, in particular, those people on the north side. There are 125,000 people living in the area with no hospital or accident and emergency department. It is an absolute disgrace. This hospital is included in the national development plan and it is seen as a requirement by medical experts.

We desperately need a hospital on the north side of Cork city not just for the city but for the north side of the entire county. Currently there are areas like Curraheen and Bishopstown with significant congestion and development issues but on the north side there is a lack of facilities. There are a number of sites that have been suggested by me and my colleagues. Unfortunately, Fianna Fáil closed the Cork North Infirmity hospital and Fine Gael closed the orthopaedic hospital. We have the orthopaedic hospital site and the site of the Our Lady's Hospital, which is owned by the HSE. We have the Sarsfield Court site in Glanmire, which is 100 acres of strategically located land.

Will the Minister give a commitment to me and the people of Cork that he will carry out a feasibility study to locate the new hospital for Cork on one of those sites or a site on the north side that could be ideal for people? We desperately need a hospital and an accident and emergency department on the north side of Cork city.

I will raise a second matter, which is home help services. I was contacted by a constituent who has sought an increase in home help hours since 2011. The request has not been granted. That person is paying for additional assistance because it is needed. This person is not in a financial position to do that any more. The HSE now has a roadmap for the reintroduction of home help services so will the Minister give me and the country a commitment that he will review the recruitment policy and hire additional home help staff so we can run a proper service?

We are talking about bed capacity in hospitals but we know if we had proper wrap-around services and home help, people could go home from hospital sooner and release hospital beds. We also have other people who are at home now but do not have enough support. They will only end up in hospital because there is nowhere else for them to go. It makes sense to invest money in home help carers. I will allow my colleague in but I look forward to the Minister's response.

Deputy Maurice Quinlivan: The Minister will not be surprised that I raise the matter of University Hospital Limerick, as 2019 was a really difficult year in the hospital. There were 13,941 people on trolleys in 2019, which was an increase of 22% on the terrible year of 2018, when 11,000 were on trolleys there. In a recent interview in the *Limerick Post*, the chief executive officer of University Hospital Limerick was quoted as saying that the group was short of 150 beds. A 96-bed block is being designed but is awaiting funding before proceeding to planning. I have spoken about this 96-bed block since I was elected in 2016 and it is distressing to hear we are awaiting funding before we even get to planning.

Today there were 35 people on trolleys in University Hospital Limerick, and this was the highest number in the State. Unfortunately, the facility has had the highest number on an almost daily basis. We saw a 25% increase in the numbers on January of the previous year, and in February we saw a 32% increase in the numbers for the previous year. March was headed that way again until Covid-19 came and the numbers on trolleys collapsed. These people disappeared but did not get better. They are still out there and we will still have a problem. There is a big concern about whether the hospital will cope next winter if there is a resurgence of flu or Covid-19. We cannot go back to the position of 2018 and 2019. There were incredible scenes, with 92 people on trolleys one day at the hospital, which was an absolute disgrace.

The staff in the hospital have done a tremendous job before and during the Covid-19 crisis, and I hope they will continue to do it after the pandemic. I understand the new 14-bed block will be completed in July and a 24-bed unit will be completed in August. Those are very welcome. In terms of my questions, will they be operational and completed? What additional staff were recruited for these units? Have job offers been made? What is the status of another build, a 60-bed modular unit? When does the Minister see that being completed, staffed and operational? What is the status of the 96-bed unit I mentioned? Is there any update on that?

Deputy Simon Harris: I am relying on my memory but my understanding is that the 60-bed block is due to be completed and hopefully operational by the end of the year; November is in my mind in that regard. There is funding agreed with the HSE to ensure that that opens. I will follow up on the 96-bed block and ask that the HSE responds to the Deputy directly but I would be eager that it does progress at least to the next stage. I have accepted that the mid-west has a shortage of beds. That is the reason we had sanctioned the 60-bed block. I welcome the fact that we have gone ahead, as the Deputy rightly said, and acknowledged that with the 14-bed and the 24-bed blocks. We want them opened as quickly as possible. I will check if the recruitment campaign has started and I will revert to the Deputy in writing.

To answer Deputy Quinlivan's colleague, Deputy Gould, I will write to him both in regard to the capacity for Cork, particularly on the north side of Cork, and the delivery of a new hospital for Cork to which we are absolutely committed, and also in regard to the issues he raises about additional home help, which I believe will require this House passing a statutory home care Bill, hopefully in the not too distant future.

Deputy Frankie Feighan: I am sharing my time with Deputy Dillon - six minutes and four minutes. Once again, I want to express my sympathy to the families, loved ones and friends of those who have been lost to this awful disease.

I welcome the Minister's update on the Covid-19 disease, our response and its impact on the health service. It is reassuring that this week nobody passed away from the Covid disease and, as the Minister rightly said, we had only a small number of new cases. It makes the reproduction number difficult to estimate but, importantly, we need to monitor the new cases. The average number of cases over the past five days was nine. This day last week it was more than twice that amount.

Tomorrow, the Minister will meet with the National Public Health Emergency Team to discuss phase 3 and the Government will then decide how to proceed tomorrow afternoon. There is an area of my constituency of Sligo-Leitrim, north Roscommon and south Donegal which effectively covers six dioceses - the dioceses of Killala, Achonry, Elphin, Ardagh, Kilmore and Raphoe. Those are just the Catholic dioceses. There are other dioceses that interlink those. People are deeply disturbed by the report that churches will not be allowed resume masses on 29 June if the numbers exceed 50 people. The new restrictions were not part of the information we were given a few weeks ago. We were told they could open for mass on 29 June. That makes no sense whatsoever because it bears no reference to physical distancing. Some churches such as St. Anne's cathedral in Sligo town, the church in my town of Boyle and those in Carrick-on-Shannon, Ballymote, Ballinamore, Ballyshannon and Bundoran are very sizeable. They actually say that some churches in rural communities could not and should not have 50 people attending mass even if they are observing the 2 m rule. We need to look at the larger churches in the larger towns. This is coming from the bishops themselves.

Many people who have waited patiently for churches to reopen are very disappointed. They have been working very hard within the Government guidelines to prepare for a return to mass. I just looked at the Diocese of Elphin website which has the Full Guidance Document with Resources. They are as follows: Resource 1 - Parish Support Team and Volunteer Roles; Resource 2 - Risk Assessment; Resource 3 - Training; Resource 4 - Cleaning; Resource 5 - Use of PPE; Resource 6 - Stewarding; Resource 7 - Distribution of Holy Communion; Resource 8 - Communications and Signage; Resource 9 - Human Resources incl Return to Work Form; Resource 10 - Parish Policy Statement; Resource 11 - Responding to an Outbreak; and Resource 12 - Church Readiness Form. In addition, there are many training videos on the website. These people have worked extremely hard and they are very disappointed. I hope that we can come up with a resolution tomorrow that we will work with the various dioceses and churches. We need to clarify the matter. They want to be allowed do what they have been working towards, with expert advice, for the next two months. I hope the Minister will take that into consideration and he might comment on the matter.

Deputy Alan Dillon: Alongside the Ceann Comhairle, the Taoiseach and many previous speakers in the Chamber, I also wish to extend my sympathies to the family and friends of the late Detective Garda Colm Horkan, a proud Mayo man from Charlestown, in my constituency.

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I knew Colm. I played against him on many occasions. He was one of those people who got along with everyone and was so well respected. He was a leader in so many ways within his community - on the pitch with Charlestown Sarsfields GAA and also in his chosen career with An Garda Síochána. It is testament to his resounding character that the communities of Charlestown, Castlerea, the GAA family and An Garda Síochána rallied around his family in the ultimate show of strength and unity over the past few days. Ar dheis Dé go raibh a anam dílis.

I appreciate the comments made by the Minister, Deputy Harris, in the Chamber earlier this month when speaking about Mayo University Hospital in Castlebar. I note that a new energy centre and other energy efficiency works for the hospital have since gone to tender. Mayo University Hospital is an important hospital for the people of Mayo, serving the entire county from Belmullet on the Atlantic coast to Ballinrobe or Ballyhaunis on the other side of our county. Approximately 40,000 patients present annually to the emergency department within the Saolta Group at Castlebar. Regrettably, the emergency department at Mayo University Hospital is over capacity, having been built originally to cater for 25,000 patients per annum. The Minister visited the emergency department in 2016 and is familiar first-hand with the situation and the requirement for additional physical space at this hospital. Despite the hard work of the staff and management at overcoming this problem, action is required now. This has been going on for far too long and is a serious issue.

We have seen substantial investment in healthcare around Mayo recently, with new expansions to the Sacred Heart Home in Castlebar as well as new primary care centres in Castlebar, Ballina, Westport, Ballinrobe and Claremorris. While plans are progressing for a modular extension to the hospital, until a brick and mortar solution can be developed the challenges resulting from Covid-19 have only increased the urgency of this matter. This very much relates to increasing physical space in order to increase bed capacity. I would appreciate, therefore, if the Minister would provide an update on the expansion plans for the emergency department at Mayo University Hospital.

Deputy Simon Harris: I thank Deputies Feighan and Dillon. I thank Deputy Feighan for raising the issue in regard to churches. This is an issue where common sense needs to prevail. It is an issue that myself and the Taoiseach have asked the National Public Health Emergency Team to give some consideration to at its meeting tomorrow and to provide some advice to Government before we make our decisions tomorrow as to how to proceed to phase 3. I feel very strongly about this issue for a couple of reasons. First, religious freedom is very important and, whatever one's faith or creed, one's ability to practise one's religion, and proclaim one's religion, in one's place of worship is something I know we all hold dear and take very seriously. Second, I know how much their faith has mattered to many people at this very difficult time for our country, for people individually, for families and for communities. I know how many people are reliant on their faith at this time and are looking forward to returning to mass, church or whatever service they attend in regard to their faith. As the Deputy said, the churches have been very proactive in terms of putting measures in place, and he read out a long list of preparatory works. It is about recognising that not all churches are the same size, as the Deputy rightly said. It is about making sure that churches can safely socially distance. We do not want anyone getting sick at mass, at church or at a place of worship. I hope NPHET can provide further guidance tomorrow that can help rectify the important issue the Deputy highlighted. As I said, commonsense needs to prevail.

I join Deputy Dillon in extending my sympathies to the family, friends and community of

Detective Garda Colm Horkan. An attack on a garda is an attack on every single person in this country and I know that as a country we are all grieving his loss. I extend my sympathies to Deputy Dillon also, who knew Colm Horkan personally, and to his community also.

I thank the Deputy again for raising the issue of Mayo University Hospital. As he said, I visited Mayo University Hospital with the then Taoiseach, Enda Kenny, and I was very impressed by how well it is run. The Deputy is right. Through no fault of anybody in the hospital it simply needs more capacity, a larger physical footprint. I have been eager to see the work to increase the size of the emergency department commence and for the next phase to begin. On foot of the Deputy raising the issue tonight, I will send a transcript of this debate to the CEO of the HSE and ask him to respond to the Deputy directly. Providing that additional space will become all the more important in the context of Covid-19, which makes things like infection control, ensuring space between patients and staff and avoiding overcrowding all the more important. The HSE is doing much work in that regard. I am pleased to note that since we last discussed the issue in this House the energy works have gone to tender. During our time in government we have made very a significant investment in health services. I was delighted to be in Mayo with the Deputy for the opening of the hospice. It is an incredible community project that we are very happy to support fiscally. I look forward to progress on Mayo University Hospital and to keeping in touch with Deputy Dillon and working with him on that.

Deputy Ossian Smyth: I would like to start with a question about queuing in emergency departments. The acute hospitals emptied during the pandemic. There was a determined effort to make space available in case of a surge, the discharge of patients into long-term residential care was encouraged and funded and meanwhile patients were not admitted because they were not presenting for fear of catching coronavirus.

That has changed. It is now reported that nine acute hospitals in Ireland are full, including St. Vincent's University Hospital. When the acute hospitals fill up, queuing starts to happen in the emergency departments. This is a situation we are used to. It is a bad situation but it is the normal one. There is a particular problem at the moment, however. We are telling people that when they are out shopping or pursuing leisure activities they need to socially distance and follow various practices. It is absolutely unacceptable to tell people who are immunocompromised or very sick that they should be piled up together in a corridor, waiting for admission to the acute hospital. The question that the emergency doctors will ask is this. Once they have finished treating the patients, why are they still kept in the emergency department rather than in some part of the acute hospital as the emergency doctors would prefer? I am sure the people running the acute hospital have a different perspective.

We need to do something to change this arrangement whereby people are physically lined up in a corridor while waiting to enter the acute hospital. Is it possible to set up a temporary ward or some sort of admission lounge in the acute hospital as an adjunct to the emergency department, so that patients are not left in a risky and dangerous situation where infection control cannot be managed?

Deputy Simon Harris: Deputy Smyth is entirely correct. As our hospitals and health service get busier again, people in this House rightly ask me how we are going to resume non-Covid-19 care alongside Covid-19 care. That will present real challenges for our health service, but also opportunities to do things differently. Today the HSE published the framework which includes the criteria it is sending out to the system. It outlines the things the management of hospitals or community care settings must be conscious of and asks how they intend to respond.

Requests along the lines the Deputy has outlined will come from that. Management will ask for additional physical space and additional resources to do things differently. Deputy Smyth knows this from his own experience. When I talk to people in the health service I often find the movement of a patient from one place to another is to do with the need for a bed. Sometimes it is to do with the need for more porters or healthcare assistants. As a result of publishing the framework today, the HSE will receive many requests from across the health service. It will collate them and present them to my Department in the coming weeks.

Emergency department attendances are increasing. They have gone up by 31.9% in the past 30 days, albeit from a very low base. As we move towards the winter, this will become all the more important.

Deputy Ossian Smyth: Given the recent history, people in an acute hospital are naturally reluctant to be discharged to long-term residential care. That is now more true than ever. A particular problem arises with discharges. Elderly people are sent back to live with other elderly people. Someone who is cocooning will worry that somebody coming from the hospital may have coronavirus. It has become very difficult to discharge elderly people from acute hospitals. That will add to the pressure on emergency departments. Is there a plan to do something at the community level to allow elderly patients to be discharged so they are not stuck in beds in the acute hospital?

Deputy Simon Harris: Yes. By way of assurance I should say that very strict protocols have been agreed in respect of both admissions to and discharges from long-term residential care facilities for the reasons Deputy Smyth mentions, namely, infection control and the need to prevent clusters from re-emerging in nursing homes that have thankfully now been Covid-19-free for a significant period of time. More than 190 nursing homes that had an outbreak of Covid-19 are now Covid-19-free, which means they have not had a Covid-19 case for 28 days or more.

I find myself agreeing with Deputy Smyth on this. The answer has to be broader than just moving a patient from the nursing home to the hospital and from the hospital to the nursing home. We have to address the massive gaping hole in healthcare policy in this country, which is a statutory home care scheme. Everybody says they are in favour of it but nobody in here has ever bothered passing a law to implement it. It is in the draft programme for Government and work is ongoing in my Department to deliver it. Passing that quickly should be a priority for a new Government so that we can provide the kind of additional supports to the community that Deputy Smyth suggests.

Deputy Ossian Smyth: I am talking about the physical constraints in emergency departments where people are too close together or do not have beds or wards while they are waiting to go into the acute hospital. Beyond the physical constraints, however, are the recruitment problems. It is no good having a bed and a ward without staff. In the event of a second wave or another infection or coronavirus, we will need more staff. Is there a plan to redeploy or retrain staff from other areas? Could theatre nurses be redeployed to intensive care units, or could dermatologists be redeployed as front-line staff as needed? Those areas tend to get very quiet during a pandemic because people do not want to go near the hospital for elective services and those staff members are needed elsewhere. Some redeployment occurred but is there a general plan for redeployment in the event of a second wave?

Deputy Simon Harris: I know Deputy Smyth will agree that our health service workers

and their unions have been incredibly flexible where redeployment is concerned. I have never seen co-operation like what we have seen from all the unions and representative bodies during the Covid-19 crisis. That issue arises as we begin to deploy people back to where they originally came from. People want to get back to their day jobs where it is safe and appropriate to do so. We will need to have a discussion about what an agreement for redeployment in a second scenario should look like. I have had some initial informal discussions with some unions in that regard and I know the HSE intends to progress that more formally.

Deputy Ossian Smyth: I would like to ask the Minister about visitors to residential care facilities. Many people have not had a chance to have physical contact with their parents or grandparents since March. They can now see them through a screen but it is not quite the same thing. There is a balance between quality of life and infection control. None of us will live forever. The idea of keeping people physically separated from their children and their grandchildren is very difficult to bear. Is it possible for the Minister to go back to the National Public Health Emergency Team, NPHET, and ask if there are ways we can reduce the risk while allowing people to have physical contact, or at least to be physically close to each other? For example, could people meet outdoors in the summer? Could they meet while wearing personal protective equipment, PPE? If they cannot actually hug each other, they could at least get closer than a screen will allow. Could the Minister talk to the NPHET about that and see if some progress is possible?

Lastly, I wish to raise the question of recruitment of staff. This is a general problem to which the Minister has already referred today. We train medical staff and they leave Ireland. That has not been a problem in the last few weeks because nobody is allowed to leave. At the same time, we do not have the intake of staff from other countries that we would normally have. Is somebody working on a plan to retain the Irish staff members who have decided to get jobs within the Irish system, which are presumably available because nobody is coming in from abroad? Would it be possible to launch a campaign to retain staff so that they do not all fly the coop once the flights start?

Deputy Simon Harris: There are two parts to that issue, namely, the people who very kindly came back from abroad to help our country and the people looking in the other direction, who were thinking of going abroad but did not do so because of the travel restrictions and the desire to help their country. I spoke to the CEO of the HSE about both groups this morning. He and I are of a mind that we need a specific campaign to keep those people. This is a once-in-a-generation chance to break the cycle by which really highly qualified people leave our shores to work in somebody else's health service. We need to address that.

Regarding long-term residential care facilities, I am really pleased that as a result of the work of the Irish people we were able to lift the blanket ban on visitor restrictions earlier than we originally envisaged and we were able to do it in line with public health advice. However, it is still a very fragile situation and we have talked often about the very vulnerable people in nursing home settings. I am delighted that we are now seeing reunions of family and friends but I am conscious of balancing that with making sure we keep the virus out of nursing homes. We published a significant public health guidance document, Covid-19 Guidance on visitations to Residential Care Facilities, on 5 June to assist and support long-term care services management, residents and families, and we will keep that guidance under review.

In terms of the specifics of the Deputy's question, it will all very much depend on how weak we can make the virus in our communities. The signs are good in that regard but it needs con-

tinued watching.

Deputy Holly Cairns: I have quite a few questions for the Minister but I will try to be quick so that there is time to come back in after he responds. This pandemic has illustrated the importance of healthcare delivery at the point of need. Before, during and after the Covid-19 crisis, an issue of extreme concern for people in west Cork is the potential downgrading of Bantry General Hospital to a model 2 facility. The hospital provides vital healthcare services for the population of west Cork, some parts of which are more than a two-hour drive to Cork city. Downgrading the only acute hospital in this large geographical area will result in people's chances of survival being lower simply by virtue of living in west Cork. It is hard to believe we are even talking about this. Not only is this facility crucial to the local population but, without it, there will be a catastrophic knock-on effect on bed capacity in Cork University Hospital, which is already overstretched at the best of times. As things begin to return to normal, it is essential that this issue of fundamental importance to the people of Cork South-West is not forgotten about. What reassurance can the Minister provide that Bantry General Hospital will not be downgraded to a model 2 facility?

At the start of June, representatives of the Irish Medical Organisation, IMO, told the Special Committee on Covid-19 Response that between outpatient, inpatient and day case appointments, there are now approximately 800,000 people on waiting lists in Ireland. Cancer screenings are yet to restart and GP access to diagnostics and referral pathways is closed. There is now a very serious delay in accessing non-Covid care. The IMO predicts an inherent reduction in capacity in our public services of up to 50% following the implementation of new safety measures. This is in the context of a health service that normally operates at close to 100% capacity. The hospital capacity review in 2018 advised that the public health service needed an additional 2,590 hospital beds. That recommendation was made in the context of reform measures under Sláintecare, which is being pushed back under the new programme for Government. Funding for Sláintecare will only begin to be looked at ahead of budget 2022, meaning that the predicted bed capacity requirement will be too low. In fact, the IMO now believes we need some additional 5,000 beds to meet future demand. In light of new restrictions for health settings, what are the implications for bed capacity and the capacity review published in 2018?

Critical care staff have raised concerns about intensive care unit, ICU, bed capacity, which was already short of the review recommendations and below the European average before Covid-19. This crisis has underlined just how important ICU capacity is. The critical care community has made an enormous contribution to staff reallocation to ensure a temporary increase in ICU capacity at this time. However, this is a short-term surge and is not sustainable. Can the Minister outline his plans for additional recruitment of critical care staff and the provision of long-term, sustainable ICU bed capacity?

Despite the premium paid by the State for the use of private hospitals, they have remained at a very low bed capacity of approximately one third on average over recent months. These private beds were opened on a temporary basis during the crisis but they need to be retained for public use to ease the recovery of our health services as routine care resumes. Will the Minister comment on what the new agreement with private hospitals will look like after the current agreement ends next week?

Hospital capacity is not reliant on beds alone, as other Deputies have noted. It depends on a range of factors across the health system, including primary care services, social care provision and staffing. There are calls to open up more positions for non-consultant hospital doctors,

NCHDs. Many junior doctors answered Ireland's call to return home during the crisis. As the Minister said, this is a once-in-a-generation opportunity to effect real change. We now have more junior doctors in this country than there are vacancies but getting people to come home is only half the battle. Many who did return are facing the prospect of unemployment because there are not enough positions and they cannot emigrate because of the travel restrictions. We need to ensure that junior doctors are encouraged to stay by opening up more positions in NCHD training programmes so that every person who returned to work in our hospitals during this crisis can be hired. Will positions be offered to those junior doctors and will more places on training programmes be offered to ensure longer-term job security and progression?

Social care provision is equally vital to improving our overall hospital bed capacity. Before this crisis, on any given day there were around 700 people across Ireland in delayed discharge from hospital while awaiting home care packages. Will we be reverting to this same mismatch? Will the Minister commit to bringing forward the long-promised work of introducing a statutory right to home care provision? Will he provide an update on the timeline for that process having regard to any changes caused by the Covid-19 crisis?

Deputy Simon Harris: I thank the Deputy for her questions. In regard to Bantry General Hospital, I am pleased to give her a commitment that I have no intention for the hospital to be in any way downgraded. I had the pleasure of visiting it a year and a half or two years ago and it is a superb facility. In fact, I would like it to be busier. It needs to be busier. I do not say that as a criticism of the people working there, who also want to see it busier. Indeed, what we need to do with hospitals other than the level 4 facilities is make them busier. We need to look at which services we can take out of the level 4 hospitals and provide safely in the level 2 and level 3 facilities. It is my plan and intention to see an investment programme for Bantry General Hospital and I know there already are ambitious plans in that regard. I want to see it busier. I assure the Deputy that I will not forget about it. I am sure she will not allow me to do so.

I listened to the contributions of the IMO representatives at the Oireachtas committee and had met them before then. They are right to highlight the issues they did. I will not use up all the Deputy's time responding to this as I dealt with some of it in my opening statement. I will say that there is going to be a real challenge in how we provide healthcare in this country. People talk about how we will reopen schools, pubs, restaurants and other businesses, and the same challenges present themselves in the health service. The question is how we can deliver non-Covid care in a way that is safe for patients, respecting of social distancing and safe for staff as well. That will have an impact on capacity and the Deputy is right that it will involve the provision of more beds. The HSE is working its way through figuring out that impact. It published a framework in this regard today and is asking each hospital and area to respond outlining the impact for them. A safe reopening of health services will also require new and better ways of doing things. The fact that we delivered 85,000 virtual clinic outpatient appointments last month alone is unheard of. We need to look at how we can open out that service and how we can provide more outpatient appointments appropriately in primary care centres.

On cancer screening, I am delighted to inform the Deputy that a restart plan was published today. CervicalCheck will recommence on a phased basis next month, with letters going out from 6 July to some 15,000 women a week, and a new HPV programme will commence.

In regard to critical care, the temporary capacity to which the Deputy referred effectively needs to be made permanent. We need to take the opportunity now to address what has been a historical shortage of ICU beds.

Negotiations on the question of access to private hospitals are still ongoing, but there are three pillars I would like to see in any agreement reached. First, if there is a second wave of infections, we must have the ability to step up again and use that capacity. Second, there should be local arrangements whereby cancer services, for example, in some parts of the country might be transferred from the public hospital to the private hospital. Third, there should be a facility for the State to purchase private services for elective procedures, recognising that there will be a shortage of capacity as a result of Covid in some of our public hospitals.

Regarding NCHDs, I fully agree with the Deputy's proposal, as does the CEO of the HSE. I met him this morning and heard his comments later in the day regarding opportunities to open up more training programme places. I share the Deputy's view that this is a once-in-a-generation chance.

In regard to a statutory right to home care provision, I fully support such a right, which I note is included in the new draft programme for Government. It will be a matter for the new Government to decide when to progress the matter but I would like to see it progressed quickly. From memory, the proposed timeline is that the legislation could be brought forward towards the end of this year or the start of next year, with an implementation in 2022. However, that timeline is subject to my recall and the priorities of the new Government.

Deputy Holly Cairns: Is there a plan to use private hospital beds as part of the reopening of public non-Covid health care?

Deputy Simon Harris: "Yes" is the short answer. We have already seen some services move from public hospitals to private hospitals because of capacity issues. We need to retain that facility and I also see an opportunity to secure some capacity in private hospitals for elective work, recognising the Deputy's point that there are significant waiting lists and access issues which have been exacerbated further by Covid.

Deputy Holly Cairns: Does the Minister have an update on introducing a statutory right to home care provision?

Deputy Simon Harris: As I said, it will be a matter for the new Government to decide the timeline in that regard. A huge amount of preparatory work is being carried out in the Department of Health, including a massive public consultation in which many thousands of people gave their views.

I do not want to tie the hands of a new Government but I would like to see that prioritised by this House. It would be possible to bring forward legislation towards the end of this year or at the very start of 2021. Being realistic, this would have an implementation time of 2022. In the meantime, we need to look at what we can all do in future budgets to increase the number of home care hours but it is a massive reform and a Government that prioritised it would be a very wise one.

Deputy Holly Cairns: I hope the Minister will also tie its hands on the Bantry hospital issue.

Deputy Simon Harris: I think the Deputy certainly will. It is a great hospital and has a very bright future.

Acting Chairman (Deputy Mary Butler): I thank Deputy Cairns.

We now move to Deputy Boyd Barrett who is sharing with Deputy Paul Murphy.

Deputy Richard Boyd Barrett: I saw the Taoiseach on “Prime Time” having fun at Sinn Féin’s expense and referring to it as-----

Deputy Simon Harris: I think it was “Spin Féin”. We have all learned it.

Deputy Richard Boyd Barrett: Yes, “Spin Féin”. Listening to it, I thought that it was ironic. I thought it was even more ironic when I listened to the Minister and to Deputy Donnelly today. Frankly, the performances by the Taoiseach on “Prime Time” and those of the Minister and Deputy Donnelly today suggest that it is more about “Spina Gael” and “Spina Fáil”. I mean that in all sincerity because there is almost nothing I disagree with in the Minister’s speech. It was a great speech, heaping praise on our health workers, saying we must never go back to where we were. It was absolutely brilliant. I do not know if the Minister wrote it or a speechwriter did but I could not agree more.

Deputy Simon Harris: I am feeling uncomfortable.

Deputy Richard Boyd Barrett: Then the truth is revealed when Deputy Donnelly gets up to speak and it is very clear that the party with whom Fine Gael has just agreed a deal, and the deal itself, make a clear and explicit commitment not to go forward, but to go back. That commitment is to reopen private healthcare and to source the additional capacity that we now need more than ever. We needed it badly before Covid but we now need it even more badly. More capacity is required, but is going to be sourced through the NTPF where we are going to rent it from the profiteers in the private healthcare sector rather than move immediately forward, and not back, as the Minister suggested he wanted to do, to a national health system which would be a single-tier universal national healthcare system. We can have all the aspiration toward Sláintecare with words like “in ten years” and “accelerate”, but in actuality the plan is to immediately move back to the two-tier system and to source additional capacity by renting it at extortionate cost from Larry Goodman, Denis O’Brien and all the people who make a fortune out of this stuff. There is the spin.

Is it not the case that the heaping of praise on healthcare workers in the same context rings deeply hollow and is, in fact, hypocritical? What is capacity in the Irish health service? Before Covid we were running at 100% capacity. In the case of ICU capacity, we were 50% below where we needed to be and now we need even more. In the general system, we need an increase in capacity of at least 20% and with social distancing, we need more than that. If we are going to have a single tier health system, it should be permanent capacity and not rented from the private sector. We need more ICU capacity.

What then is that capacity? It is the staff. It is not the beds because we can get the beds pretty quickly. How are we treating the staff? We know the answer. Some 70,000 people who the Minister lauded and on whom he heaped praise, and who deserved to be praised, volunteered to come back and work in the health service but the Government will not recruit them.

The Taoiseach then says on national television that anyone who wants to work in the health service will be hired - this is the spin - if there is a post. It is brilliant. Of course, the number of approved posts is nowhere near what is necessary to give us the additional permanent capacity because the Minister will not approve the posts. Is that not the truth?

Instead we recruit people on agency contracts, hire them and fire them contracts, and we can

throw them back out. By the way, the fourth year student nurses can be thrown back out there as healthcare assistants and so on. There is no real commitment to the permanent increases in capacity. I will give the Minister 20 seconds to answer that.

Deputy Simon Harris: I have a little bit of time to respond. Unfortunately the word “spin” does not fit as well into the name of the Deputy’s party but he gave it a fairly good go there. I genuinely get a little bit upset when somebody suggests that anyone is being hypocritical praising healthcare staff. No political grouping owns them. They are all our families, friends, members of our communities and constituents and we are all very grateful for what they do.

It is possible to create a universal healthcare system like the NHS and still live in a country where there is private healthcare and that is what we are trying to do here. We are not trying to ban private healthcare but create a universal healthcare system. I am committed to it, and I signed up to Sláintecare. I do not know if the Deputy’s party did, and I do not mean that in a smart way. We have signed up to Sláintecare. If the Deputy looks at the draft programme for Government, it mentions hiring a thousand hospital consultants who can only carry out public work. Paying them a decent salary but having them do only public work is how to create a public health service. Other ways to create a public health service is to have a statutory home care scheme and elective hospitals to drive down waiting lists. We are going to deliver Sláintecare and to accelerate it but we will debate that another time. We are going to hire a significant number of additional staff, and the Deputy will have heard Mr. Paul Reid’s comments today about broadening the number of training schemes. As I said, we have a once in a generation chance to keep these people in Ireland.

Deputy Paul Murphy: To follow up on Deputy Boyd Barrett’s point I give the example of Tallaght Hospital, where consultant Dr. Anthony O’Connor has reported that the hospital is full. It is one of the hospitals that has no free beds between Covid and non-Covid cases. He has highlighted the heroic work done by staff there, including those who have answered the call to come home and help support our health service and society in its hour of need. He has pointed out that many of these staff are in the process of being thrown away. Junior doctors on his team contracted Covid-19, fought it off, returned to work on the front line and he reports that many of them are facing unemployment and perhaps emigration.

These are people who answered the Government’s call, who signed up to work in the health service hoping for permanent contracts and who are now being let go and are not able to find a job in our health service. We all stood here and applauded. Is the Minister going to say to them “So long and good luck” and say to them that they helped us out for a few months in our hour of need but now we are going back to our two-tier health service? What is also in the programme for Government is an explicit positive reference to providing choice between public and private. If there was not a problem with the public health service, the private health system would simply go away. Why would someone pay for extra private healthcare if he or she could get just as good care with public healthcare? What is contained in the document is a continuation of the two-tier health service and the rationing of access to healthcare which the Minister said he was against in the case of the coronavirus but unfortunately where other healthcare is concerned the programme for Government signs up for it continuing.

I have a very simple question. Are jobs going to be provided for all those people who came home because it certainly is not provided for or mentioned in the programme for Government?

Deputy Simon Harris: I have been in touch with Dr. O’Connor who I have a lot of time for.

As I said on a number of occasions, the plan for the doctors and other healthcare professionals who came home - and the category who did not come home but were planning on leaving and could not because of Covid - is to try to offer as many of them posts in the Irish health service as possible. That does not mean - I cannot be disingenuous here - people will be required in the posts that they are currently in. However, there is an opportunity here to hire a significant number of non-consultant hospital doctors, NCHDs, and to increase the number of training places. I believe there are currently more people here than there are training places available. The CEO of the HSE said very clearly this afternoon that he wanted to look at providing additional training places for them to pursue whichever career they wish to in the Irish health service. I assure Deputy Murphy that I really want to keep them here. I very much welcome Mr. Paul Reid's comments on that today.

Deputy Paul Murphy: The devil is in the “as many as possible” phrase, which determines whether these people are going to be just left-----

Deputy Simon Harris: We cannot hire them on the floor of the Chamber.

Deputy Paul Murphy: If we want to build a proper one-tier national health service, then we will need a lot more staff.

I have another question which is topical. It is good that the advice of the Government and NPHEH has become pro-face masks. It was unnecessarily delayed and confused but now it is pro-face masks and I welcome that. The 41% figure is, empirically from our own experience, very high relative to reality. We are far from that. A recent report, which will be welcomed by the transport workers' unions, states that making face coverings mandatory on public transport will be discussed at Cabinet tomorrow. In that case, the drivers cannot be made responsible for enforcing it. It points to the need for extra staff, otherwise one is putting drivers in potential conflict situations, which has arisen in Britain already as something to be considered.

Deputy Simon Harris: I cannot pre-empt what Cabinet will decide tomorrow but I think that there is a very strong case for looking at how we can further promote the wearing of face coverings in particular settings. One often does that by changing a law or regulation and that in itself creates such an environment. I take the Deputy's point about not wishing to put drivers in difficult positions and I will certainly reflect that to the Department of Transport, Tourism and Sport.

Deputy Matt Shanahan: I note the very sad passing of Detective Colm Horan and send condolences, on behalf of the Regional Group, to his family and the families of victims of Covid.

As we appear to be exiting this crisis, we may well be heading into another. In this present respite, we have yet to address the expected winter surge and the possible re-emergence of Covid-19, mindful of the reduction in bed capacity and procedures output due to increased infection control protocols. Portlincula University Hospital in Galway has seen a 10% reduction in its bed numbers. We are seeing a significant increase in waiting lists as a result of lost months of elective activity due to the Covid lockdown. Some of the recent deferment of patient procedures could have been avoided if full-time private consultants in private hospitals were allowed to continue to treat both public and private patients under the recent private hospitals agreement. The imposition of a type A contract during this agreement was rooted in Department of Health ideology and not in the practicality of trying to treat as many patients as possible

at every opportunity.

We need a renewed sense of urgency to be brought to bear in our hospital services plan. We need clear targets to deal with the impending bed crisis. System rigidity with respect to existing custom and practice must be set aside. Collaborative, innovative thinking should be encouraged across all grades to decide new work practices. Most importantly, resources must be guaranteed to get the job done. Resources have proven not to be a problem when allocating €330 million for a three-month agreement that delivered 40% bed occupancy. Similar financial resolve is needed to properly support our front-line healthcare workers in the battle ahead and to deliver additional measures.

Among those, I propose that the Minister opens up the recruitment of additional clinical posts, that he provides additional homecare packages to free up the long-stay patient beds, and that he asks hospital management to reserve surgical bed capacity pathways, with supporting ICU and high dependency unit bed assists. We provide mandatory testing and dedicated Covid patient management in assigned group hospitals. After-hours diagnostic imaging sessions seem to be something that we can easily contemplate. I propose flexible rosters to support public consultants providing activity in private theatres. I believe that we need significant engagement and new contracts through the National Treatment Purchase Fund. Additional capacity in the private sector must be immediately negotiated through service-level agreements and contracted bed or procedures purchase through the NTPF. We must not see a repeat of employment conditions in public contracts which are designed to exclude full-time private practitioners, thereby reducing value to the public purse. Additionally, to match the latest scientific understanding, I call for mandatory temperature testing of all hospital workers, which is now commonplace in the industrial manufacturing sector.

Regarding a new ethos, I will revisit the issues at University Hospital Waterford's cardiac care centre. Despite the Minister's welcome recent assurances to me that we should see no further slippage of the second cath lab development promised from September 2018, I confirm to the Minister that the construction timeline has extended by a further three months, and construction may not begin until spring of 2021. This extension of time is wholly unacceptable. This is while we continue to operate in the south east for 39 hours per week, with just one cath lab for the whole of the south east's population, while understanding that the mobile diagnostic cath lab facility which was on site at University Hospital Waterford since 2018 was removed in recent weeks, as the Minister knows.

The remodification of our existing cath lab, which we previously discussed, has also been suspended for many weeks. Despite the new laboratory equipment being in storage in the hospital for a considerable period, engineers required to install and commission it will not travel from abroad because of our two-week isolation requirement for travellers. Such requirements could have been dispensed with by a means of a Covid test on-site at University Hospital Waterford and a managed accommodation agreement. Where there is a will, there is a way. However, it appears that senior officials responsible for delivering this project could not demonstrate a single ounce of wit to consider how these delays could be advanced and this vital work progressed. Every day that the Waterford cardiac service operates without two laboratories means that diagnostic tests that could prevent a heart attack cannot be undertaken, with obvious implications.

It is a further source of angst to me that a commitment to future provision of a 24-7 cardiac care service for the south east is not contained in the present programme for Government. As

the Minister knows, University Hospital Waterford is the only designated national cardiac centre which does not provide a 24-7 cardiac care service. I know that for the Minister, the south east's 24-7 cardiac care issue may soon be in his rear-view mirror. I highlight to the Minister, his party colleagues and those who sit on the other benches in this House that this service refusal remains a stain on the Department of Health and HSE's national planning with respect to acute clinical care. All lives matter, including those of us who live in the south east. We will not continue to be treated like serfs on our own land. The timelines proposed to deliver these two urgent cath lab projects must be given the highest priority in the Minister's Department and the ground lost must be recovered. The sad reality to date is that the urgency of NPHEt has not been extended to the lives or clinical needs of cardiac patients living in the south east.

This debate mirrors the challenges facing the next Government. The problems are known and widely flagged. Solutions are possible but questions remain. What actions will those in leadership in the next Government take to address these issues? Will the commitments they espoused be forthcoming and brought to bear? Will resources be equally distributed across this country in the future?

Deputy Simon Harris: I thank Deputy Shanahan. I know he has raised the matter of cardiac care in the south east, as did the Acting Chair, Deputy Butler, earlier today. I know this is an important issue in the south east. I accept that we are not yet where we want to be, but I also acknowledge that there has been significant focus on trying to improve the outcome. We have had a mobile unit for a significant period. We gave sanction for a second cath lab since 24-7 coverage cannot be provided without a second cath lab. There is also a national review because, in any country, there is a limit to the number of services that can be provided 24-7. The question is whether there is a fair distribution and the people in the south east make a strong argument that there is not, but we need a national clinical review to determine how we best distribute that in a safe, appropriate, fair and equitable way across the country. The chair of that review is Professor Philip Nolan who has become well-known to all of us through his work with NPHEt. I take the Deputy's point that this is an issue regardless of whether I may or may not be in government. I will continue to give it my attention. I suggest that we got a lot done in the last Oireachtas by Oireachtas Members from the south east coming together for regular meetings. I think we should do that again. I will send a transcript of this exchange to the CEO of the HSE and ask that he provide an update, particularly about the important issue the Deputy raises about slippage and delay in construction timelines.

On the use of private hospitals, in my view, there was not an ideology involved. There was pragmatism, since we needed to get every bit of extra capacity that we could for a massive surge that thankfully, due to the incredible efforts of the Irish people, did not come to pass in the way that it could have. I have figures here that show 11,531 public patients benefited from inpatient procedures. Some 46,298 public patients benefited from day case procedures. Some 71,967 patients benefited from diagnostic procedures. Some 44,865 public patients benefited from outpatient appointments. Tens of thousands of public patients utilised hospitals. Bizarrely, I am pleased that there was vacant capacity in private hospitals. In other words, it was an insurance policy that we did not need. Was it ideal? No. Are there lessons to be learned? Yes. Do we now need a better deal in future? Absolutely, and we should be honest and humble enough to admit that. Deputy Shanahan's point regarding extra posts was well made and I think I have dealt with it already. I welcome the comments of the HSE CEO on that today. There is a once-in-a-generation opportunity to try to ensure we provide the additional posts so that those who came back to Ireland to help and those that did not leave Ireland because of the travel restric-

tions can work in the Irish public health service. We very much need them. I also agree with the Deputy's point regarding the need for new contracts for consultants, building on the GP contracts, but also for pharmacists. Whomever is the Minister for Health in the new Government will have much work to do on contractual reform if we are to deliver the health service that we envisage and want through Sláintecare.

Deputy Matt Shanahan: There was also the issue of temperature testing.

Deputy Simon Harris: My apologies. I know several hospitals are now beginning to do temperature testing. I do not believe that it is yet mandatory, but I will contact the HSPC, get some clinical guidance and then write to the Deputy.

Acting Chairman (Deputy Mary Butler): We now move on to the Rural Independent Group. I call Deputy Mattie McGrath, who is sharing time with Deputy O'Donoghue.

Deputy Mattie McGrath: I am indeed. If the Minister does not get time to answer my questions during my five minutes, he might please write to me with the answers.

Deputy Simon Harris: That is no problem at all.

Deputy Mattie McGrath: I congratulate an Teachta Butler on her elevation. I wish her well.

Acting Chairman (Deputy Mary Butler): Go raibh maith agat.

Deputy Mattie McGrath: I hope we will not have any spats.

Acting Chairman (Deputy Mary Butler): I hope so.

Deputy Mattie McGrath: There were 35 people on trolleys in Limerick hospital today. There was none in Clonmel, thankfully, but we are facing that prospect and Limerick, which also serves Tipperary, has the highest numbers in the country on trolleys most times. I refer to St. Brigid's Hospital in Carrick-on-Suir. How many more times must we plead with the Minister at least to reopen the hospice beds, that were mainly provided by the people of Carrick-on-Suir, west Waterford and south Kilkenny, who fundraised for those beds? We could never use St. Michael's mental health unit in Clonmel because it was closed, yet it is now done up and open for the Covid-19 crisis, but with no patients. Will it now be possible to use it for mental health patients, because we do not have one long-stay bed for mental health in Tipperary?

Cardiac care in the south east is just not good enough, as my colleague from Waterford mentioned. All lives matter to us in the south east as well. I also refer to the whole situation regarding BreastCheck, cervical checks and many more screening services that are so badly needed. A woman contacted me this evening about BreastCheck. She has two young children, is 34 years old and is hugely concerned about her husband while waiting for that test. The Minister might quote figures for procedures that are being done, but they are only a symptom of the waiting and what will be waiting. I am sure all the Deputies here have people in contact with them every day of the week.

I turn to the whole scandal of the private hospitals and the facilities in Citywest. That is ongoing and the Minister is going to keep it going. That is why people are so annoyed. I turn to the scandal of the 170,000 people, I think that is the number but I do not have the exact figures, who applied to Be On Call for Ireland. I think a minuscule number, some 74, were employed.

We hear the Taoiseach going on about spin. He is the biggest spinner. One of the biggest fertiliser spreaders in the world would not be as good as him to spin. He spins and spins. Sinn Féin has been referred to as “Spin Féin”, but there will be plenty of time, because eventually those spinning around on a spinning top fall off and get hurt. I refer to the situation of leaving these people waiting and the associated worry, angst, anxiety and trauma.

As I stated previously, we need a new wing on South Tipperary General Hospital. Where is that in the planning? Cardiac care in Waterford is pushed back repeatedly and is now to start in the second quarter of 2021. It is just not good enough. All the people, such as third and fourth-year nurses and care assistants, who answered the call are now contacting all of us. We are hearing that people who came home from Australia, Canada and wherever cannot get jobs. The Minister, however, glibly said to David McCullagh, that if posts are available, it will be ensured that they get them. The phrase “posts are available” is key, as other Deputies pointed out earlier.

All lives matter to me, from the womb to the tomb. I have written to the Minister and asked him when he is going to publish the lists of unborn babies that have been aborted in 2019. He is due to do that before the end of June this year. What is the delay? I have written to the Minister and I want an urgent answer. The destruction of human life is just shocking and why will the Government not publish the figures, as it is obliged to in the draconian legislation that was passed? I want answers to that question immediately.

I also want to state that there is great angst regarding the churches. Are we going to be driven back to the mass rocks, like we were in the penal days? People of all faiths have been more than compliant. I visited the Saints Peter and Paul Church in Clonmel, and Fr. Toomey and Canon Crowley, during the week. There are many other churches as well, but I refer to all of the efforts they have gone in that church and all of the stages, as another Deputy mentioned. They are horrified that people would be pitted against people, such as the caretaker in the church or the sacristan, or whoever is going to stop the people coming in beyond the fiftieth person and tell people “sorry” and the church cannot take any more people. That is just not doable.

The Minister should take control from NPHET. For the time being, anyway, Deputy Harris is the Minister. Perhaps he might be here next week as well. I do not wish that he will, to be honest, because his record in health, as far as I am concerned and it is nothing personal, has been abysmal. I hope, therefore, that he will not be in the same position as Minister. I do not wish him any ill health. I wish him well, and his wife and child as well. However, we have to be allowed to have our faith. Spiritual nourishment is vital to people. The bishops are annoyed over this and rightly so. They have fought the good fight and have been the good servants to the Government and the country.

I called this a scamdemic some time ago. I am not going back on that, because the longer this goes on and the carry on with the churches, it is more like a scam than anything else. It is possible to have a pub packed, while a church with high ceilings, higher than in this Chamber, like Saints Peter and Paul’s, that can hold 680 people, is only allowed 50 attendees. It is time the people were allowed to go back, or they will be forced to go to the mass rock. We have a very good anniversary mass every year out in Newcastle in the Knockmealdown mountains. We will have to go out there again and we will. I urge the people to go to mass in large numbers if they want to. To hell with the diktat from NPHET. I am not a lawbreaker, but there is no law now because the pandemic, if it ever was there, is gone, and they are not breaking any law. Deputy McNamara pointed that out to the Minister two weeks ago. If it is a pandemic, we do have emergency legislation, but if it is not a pandemic, there is no legislation and the Minister

is on very thin ice.

Acting Chairman (Deputy Mary Butler): I thank Deputy McGrath. I call Deputy O'Donoghue.

Deputy Richard O'Donoghue: I congratulate Deputy Butler on her elevation. I congratulate the front-line staff who put the patient at the heart of everything that was done during the Covid-19 crisis. Having contacted the press office today in our area, I am delighted to say that the 68 emergency beds did not need to be used due to the early control of Covid-19. As we have just heard, however, some 38 people were on trolleys today. We have 68 beds, for Covid-19, free in Limerick and we have 38 people on trolleys. When are we going to open the clinics? It seems that all that is happening is a virtual clinic, that is acting, and the can is being kicked down the road. Consultants are in the hospitals, but why are the patients not being met and referred for surgery in the hospitals where there are HSE beds?

In my maiden speech, I stated that the management of hospitals need to treat it like a business. The responsibility lies not only with the Minister, but with the CEOs of each hospital. If there is a public private partnership and a structure is worked out for throughout the year concerning the number of operations that each part will do, it is up to the CEO to control the consultants and to see that they release the beds, or otherwise they do not get new beds in future. That structure can continue throughout the year and a public private partnership, but it needs to be controlled by the CEOs. If those people are not doing their job, they should be accountable to the Minister. They should run it like a business and treat people properly. The consultants, however, have to get better. Before the election, I saw that some 33 operations were due to happen in a hospital in one week. Some 31 of those operations were private and two were public. That is not a public private partnership.

I have commended the Minister for the work he has done throughout the Covid-19 crisis and I have no problem commending a person who has tried his or her best. We have a chance now, however, to get our hospitals into a situation where we make the CEOs responsible and have contracts put in place with all of the consultants, so that if they have a partnership, they have to deliver and stick by what they have. If they manage to do enough operations in the year and they run short by three months, extend the contract with the same *pro rata*. Until they get to that point, however, we would not give them the extra beds. That would mean the consultants would have to get more efficient with their patients, from a public point of view, and not leave patients sitting in beds.

I have seen a person who came in for a scan on a Tuesday, who was told that the person doing that scan will not be back in until the following Tuesday, but the patient was admitted. The consultant was getting a full week with a person waiting for a scan and that bed was held up. The woman in the bed alongside, and she has all of the paperwork to prove this, told me that the person waiting for the scan left with her daughter during the day, went shopping and came back into the hospital bed because she was told that it was not possible to guarantee that the bed would be held. She was waiting for a scan until the following Tuesday. We could have treated somebody else in that bed, but the consultant was being paid for this person for a week. That is fraud. We need to stand up and ensure that the CEOs are accountable to the Minister. I am asking for a new structure to be put in place and I would much appreciate anything that the Minister can do.

Deputy Simon Harris: I will reply in the short time available to me. Whatever role I am

in next week, if I am in any, I hope that Deputy Mattie McGrath and I can find another forum in which we can continue to exchange our views. We have had lots of ding-dongs during the time I have been Minister for Health. I respect the job that the Deputy has to do.

Deputy Mattie McGrath: We can meet at the seaside in Bray.

Deputy Simon Harris: Let me shock the Deputy by agreeing with him on something because I think he is entirely right about the issue of churches. I take religious freedom very seriously. I also take the health and safety of people very seriously. The pandemic is real and has taken more than 2,000 lives on this island so far. Let us try to strike a note of harmony. The pandemic is real but people's faith is important. We must find a way for common sense to prevail. Some churches and cathedrals are large and I expect guidance tomorrow from NPHE on how we can safely open them.

Deputy Mattie McGrath: The Minister is the one who makes the decisions.

Deputy Simon Harris: I will get the public health advice and the Government will make a decision tomorrow. I will fulfil my statutory duties in line with any laws in terms of any report I have to publish. I will come back to the Deputy about St. Brigid's District Hospital.

Anyone who has a concern should not wait for a screening service but should go to see his or her GP today. The dates for the resumption of screening services were given earlier and that is important to people.

I agree with the point made by Deputy O'Donoghue about non-Covid-19 care. We need to get things back up and running. The way to get more public work done in public hospitals is through the new Sláintecare contract where consultants sign up to only provide public work in a public hospital. The regional health authorities will bring greater local oversight and accountability into the running of the health service.

I will write to Deputies Mattie McGrath and O'Donoghue so as not to take any of Deputy Connolly's time.

Deputy Catherine Connolly: I have run out of steam and am tired of the spin.

Deputy Simon Harris: I do not think there was any spin there.

Deputy Catherine Connolly: The Minister did not give any spin there but there has been spin about public health medicine provided through private hospitals. There is certainly spin there. How many hospitals signed up to the deal at a cost of €150 million per month for three months? Was it 17 or 18? Exactly how many hospitals did so and is there a service level agreement in place with all of those hospitals?

Deputy Simon Harris: I think the figure is 18 hospitals. If that is not the number, I will write to the Deputy, but that is my memory. My understanding is that service level agreements are still being finalised.

Deputy Catherine Connolly: We are almost at the end of that period and I thank the Minister for not renewing those contracts. I understand he has stopped it and is going to look at the whole thing.

Deputy Simon Harris: That is right.

Deputy Catherine Connolly: However, after three months of those deals being in place, we have no service level agreements in place and do not know precisely how many hospitals signed up. The State paid €150 million per month to leave the hospitals empty, by and large.

Deputy Simon Harris: There were 19 hospitals involved.

Deputy Catherine Connolly: To take an example, the rehabilitation unit in Merlin Park University Hospital was stopped. Patients were transferred to the private hospital. Inexplicably, the nurses were sent to University Hospital Galway where they went from ward to ward. I do not know who was behind that decision and who will be held responsible for making it. Luckily, that has now been undone and the rehabilitation unit is moving back to Merlin Park. The Minister can understand my scepticism about all of this.

I come from a city with two public hospitals, Merlin Park and University Hospital Galway, and two private hospitals. I have watched the systematic running down of the public system and the building up of the private system. At a point when quite a lot of the private hospitals were in trouble, we jumped in to bail them out and insisted that the hospitals were kept semi-empty. It is absolutely mind-boggling.

I have one more practical question before I make some general comments. I understood that the Minister was making progress towards the private hospitals coming under the remit of HIQA. Where does that matter stand? When will the private hospitals come under the remit of HIQA?

Deputy Simon Harris: I will have to revert to the Deputy. That will be done under the Patient (Safety) Licensing Bill but I will have to revert to her on that matter.

Deputy Catherine Connolly: I appreciate that. It is a matter that quite a number of Deputies have raised. I understood that it was almost at the point where it was to be done a year ago. Here we are now, having done all of this and given out public money, and those hospitals are not under the remit of HIQA. I found myself in the unusual position of supporting the private consultants' misgivings about this deal, the way they were treated and the fact that they could not see their patients. I fully understood those points and supported the consultants.

I am now very concerned that the Government is going forward with a spin, with the active help of Fianna Fáil. The speech made earlier by Deputy Donnelly worried me as to the direction we are going with public money. We are going to build up the National Treatment Purchase Fund and use more and more private hospitals.

The Minister may recall the 2016 election when various leaders went to Galway and said the accident and emergency department at University Hospital Galway was not fit for purpose. The future Taoiseach, as he then was, Deputy Varadkar and the Taoiseach at the time, Enda Kenny, told us it was not fit for purpose. It is still not fit for purpose and no progress has been made. Is the Minister in a position to tell me what is the status of the project relating to the accident and emergency department at University Hospital Galway? Has planning permission been granted? Is a new department going to be built?

Deputy Simon Harris: When I last inquired about this matter, which was before the pandemic, the situation was that the papers for planning permission were due to be lodged with An Bord Pleanála. The capital plan is funded. It is badly needed, as everyone has said. I am waiting for planning permission to be granted. The funding to deliver it is in place and the intention

is to build it.

Deputy Catherine Connolly: I left the Chamber earlier to check on that. I saw a press release from the organisation stating that planning permission was about to go in. That press release was from 2016. It is now 2020. I obviously forgive management for not progressing the matter over the past few months but it is inexplicable to me. There are 150 acres available in Merlin Park, or at least that is what I thought. I recently heard representatives from Saolta hospital group state that there are 180 acres available. It makes absolute sense to build a brand new hospital. We saw the options appraisal and I attended a meeting in the audiovisual room in and at which it was suggested that there was very little difference between the time it would take to build a brand new hospital and the time it would take to build a new accident and emergency department. It seemed an utter waste of public money to be going down two parallel roads. I ask for sense to prevail and suggest that the Government looks at building a new public hospital on the grounds of Merlin Park University Hospital where there are 180 acres available.

The working title of this session of the Dáil sitting is emergency department bed capacity. The following are some things that Dr. Fergal Hickey said in May 2019. He told us about structural inefficiency in the health service, including 29 emergency departments for a population of 4.85 million and the employment of agency staff at a cost much greater than that relating to regular staff, particularly when agency staff do not possess the requisite skills. Those were just some of the issues he raised and he was only one of many consultants. He works in Sligo University Hospital. In the case of a person over the age of 75 waiting on a trolley for a period of over 12 hours, this doctor says that there is little chance of that 75 year old returning to pre-admission function level and, therefore, will most likely need long-term care directly as a result of being on a trolley for a particular period. The doctor also said that emergency departments have become warehousing departments for all conditions which is a move away from what the department was supposed to be. He told us that every year, 350 people will die prematurely as a result of overcrowding in accident and emergency departments. Their deaths will be directly related to their time on trolleys. We know all these figures.

Dr. Hickey made another announcement recently to the effect that the health executive is passively allowing a return to the *status quo*. Dr. Hickey stated:

The concern is that we are seeing a rise in patients on trolleys at a time when there is still very little elective activity happening in the summer. God knows what's going to happen when winter comes. This should be a cause of major concern to the public. To have anybody on a trolley past the point of admitting the patient to hospital is a cause for concern.

Dr. Hickey went on to state that we should have zero tolerance and so on.

Consultants have also called for an urgent response to what is happening in our hospitals akin to the manner in which the Government responded to the Covid-19 crisis. One of the advantages of speaking at the end is that I have listened to the entire debate. I am afraid that I am not filled with hope. In fact, I am more convinced than ever that the Government is going down the road of further privatisation by buying more space in private hospitals through the National Treatment Purchase Fund as opposed to putting the necessary beds into hospitals. That number of beds is approximately 2,500. We should be filling posts, employing doctors and nurses, and improving their conditions. It might take a little longer than I want for that to happen but I do not see any evidence that it is happening at all. There is absolutely none. Instead, I see a commitment to privatisation. I ask the Minister to tell me I am wrong. I will give him a chance to

tell me that.

Deputy Simon Harris: The Deputy is factually incorrect, and I say that respectfully. Every single year that I have been the Minister, the number of beds in the public health service, both inpatient and day case, has increased. I will not waste the Deputy's time reading the figures out. Every single year I have been Minister, the number of nurses and doctors in the public health service has increased. I take the criticism, which I think is valid, that it may not have happened at the pace we want. I will also take the criticism, because it is the truth, that we have never gotten enough new beds into the system to get ahead of the legitimate issues that Dr. Hickey presents. On what could be my final time exchanging with the Deputy in this role, I would say the challenge is that as the rest of society tries to move on from the pandemic, which is entirely understandable, we need to continue to talk about health as an emergency and we need to continue to approach it in the same way that we are approaching the Covid emergency.

In fairness to everyone working in the HSE, the hospitals and the doctors and nurses, there is a willingness from all of those people to do things differently. I received a letter from Dr. Emily O'Connor, the president of the association of which Dr. Hickey is a member, with suggestions as to how this winter can be different, and it really could be. That is going to involve addressing questions such as why, in the Deputy's own city, so many residents from a nursing home end up in an emergency department every winter. That is not a criticism of the nursing home but we need to put the supports in to stop that. There are things that will need to be done differently. Bed capacity is definitely one.

On Merlin Park, which is a big issue in Galway, my view is that it is not either-or. I genuinely believe a city like Galway and a region like Galway is going to require a purpose-built hospital on the Merlin Park site and is also going to require Galway University Hospital, an elective hospital for the city and a new emergency department.

The Dáil adjourned at 9.42 p.m. until 10.30 a.m. on Saturday, 27 June 2020.

