



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Insert Date Here*

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# DÁIL ÉIREANN

*Dé Máirt, 08 Meán Fómhair 2020*

*Tuesday, 08 September 2020*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

***Paidir.***

***Prayer.***

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## **Ceisteanna ó Cheannairí - Leaders' Questions**

**Deputy Mary Lou McDonald:** This morning, the striking Debenhams workers occupied stores in Dublin and Cork. They did so after more than 150 days of campaigning for fair treatment from the company that has treated them in an appalling manner. The company, as the Taoiseach knows, simply shut up shop and left workers high and dry. Initially, they were left with only basic State supports and the prospect of statutory redundancy. I am sure the Taoiseach understands the anger and frustration of these workers at this time. The liquidator, KPMG, has now withdrawn the offer it proposed to the workers. This is a very provocative action, especially when we consider the duration of this dispute and everything the workers have been through.

I have raised the issue of the Debenhams workers with the Taoiseach previously. On that occasion I asked him to act immediately to intervene in support of the workers and to legislate so that this disgraceful scenario can never happen again to another worker. At that time, the Taoiseach said he would do everything he could to help the workers. Given what has unfolded today, including the arrest of some Debenhams workers here in Dublin, I want the Taoiseach to set out what he has actually done. Figures released by the European Commission today show Ireland is second only to Spain in terms of jobs lost in the second quarter of this year. A lot of people have lost their jobs and a lot more will lose theirs. This is what makes this Debenhams dispute so important for every vulnerable worker. This is, in fact, a test case for the Government. The Taoiseach gave a commitment that the Government would review company law, which leaves workers in such awful situations, with a view to amending it. Where is this review at? That the Government acts now and stands up for workers and legislates in their interests is not only important for the Debenhams workers, it is also important for every worker throughout the country. The Covid emergency has brought great economic turmoil and many people now look with a level of nervousness and uncertainty, particularly as the Government plans to curtail and cut the pandemic unemployment payment and the employment wage subsidy scheme.

The Taoiseach may say this is very complicated and complex but he knows he has options

available to him to protect workers and prevent rogue companies from treating their staff in such a disgraceful way. We in Sinn Féin have published legislation to stop unscrupulous employers using tactical insolvency to avoid their obligations to their workers. The Taoiseach could support that legislation. The Irish Congress of Trade Unions has outlined a statutory scheme for the protection of redundancy payments. The Duffy Cahill report presents a range of measures the Government could support and adopt in legislation. The Taoiseach therefore has options but he now has to demonstrate the political will to stand on the side of workers. He needs to start with the Debenhams workers today. He needs to intervene directly on their behalf. He should lift the phone to them at this time when they feel very vulnerable and left behind. He also needs to raise the phone to KPMG and request that it re-enter engagement and negotiation with the workers. It is not good enough for the Government to stand idly by while workers who have given years, in some cases decades, of loyal service give such service only to be abandoned.

**An Ceann Comhairle:** I thank Deputy McDonald. Her time is up.

**Deputy Mary Lou McDonald:** It is not right that these workers have had to stand on picket lines for months on end. The Taoiseach needs to act now. Will he lift the phone to KPMG?

**The Taoiseach:** The treatment of the Debenhams workers has been very shabby, shoddy and unacceptable and I have made that point on a number of occasions. Notwithstanding the difficulties the parent company was or is in, the failure to honour the collective agreements into which these workers had entered is unacceptable, and the manner in which they have been treated is unacceptable as far as the performance of the company is concerned. I have met the workers on a number of occasions, both in the Taoiseach's office and on the picket line. They were very exercised and focused on getting a practical outcome to the present dispute, which is difficult.

Last week, as the Deputy will be aware, particularly last Friday, there had been progress, or indications of some progress, in discussions between Mandate Trade Union and the liquidator towards a deal that could be put to the workers in a ballot. I know Sinn Féin welcomed that announcement and the fact that a proposal had been put to the workers after agreement had been reached between Mandate and the Debenhams liquidator. The nature of that offer, however, specifically the overall amount of funding made available, was clearly unacceptable to the workers on the ground. When the amount was divided among all the workers, it paled into relative insignificance in comparison with what they would have expected if the collective agreement had been observed.

The Government has communicated its views to the company. The parent company in the UK was in examinership and is not coming forward with any resources to assist in this situation. All sides must now get back around the table. We have kept in close contact with Mandate on this dispute, its continuation and efforts to try to bring about a resolution to it. Mandate will tell Deputy McDonald, to be fair, that it is challenging to work out a satisfactory package for the workers involved. The Government has committed to reviewing company law more generally to make it very difficult in future - one can never render it impossible - for companies tactically to create situations of this kind, to use the word the Deputy used. There is a range of measures involved, for example, separating assets from trading income, and these loopholes have to be closed. Our view is to take a supportive stance on behalf of the workers. I met ICTU last week and I have met IBEC. I spoke to ICTU at some length on this issue, particularly the legal side and mechanisms that could perhaps be deployed to try to assist the workers at Debenhams but also more generally in situations into the future. That is the position as of now. We need to get

all sides back to the table and to get dialogue opened again to see if a package can be put to the workers in terms of what is available out of that liquidation process. It is beyond the Government's sphere of influence, legally.

**Deputy Mary Lou McDonald:** Debenhams was not the first offender in using such tactical insolvencies and the loopholes the Taoiseach has described. Everyone will recall Clerys and its workers and will remember that at that time, the political class said it must never happen again. Guess what? It has happened again and will happen again, time after time, both the retail sector and elsewhere, unless those loopholes are closed. The time for reviewing is over and the time for action is now. When will the law be changed to protect workers in these situations?

The Taoiseach says the workers and all parties should get back around the table. What table? To what table do the liquidator, the company, the workers and their union return? Can the Taoiseach set that out? Engagement is essential. The industrial relations machinery of the State has run its course. That is over and we are dealing with a deeply unjust situation in which workers who have given decades of their lives and of service have been thrown on the scrapheap by Debenhams. The Taoiseach has to intervene with the liquidator and others and tell them to return to the table. What table will that be?

**The Taoiseach:** It is the table to which the Deputy has just alluded. She knows what I am saying. Talks should begin. There should be dialogue again between the key interests. The Deputy knows there was ongoing work by Mandate, in particular, to do its best in difficult situations to arrive at and realise a package from the workers. Last Friday, the Deputy welcomed that there was a result from that engagement. However, the scale of the engagement clearly was not sufficient to meet workers' desires, understandably. It did not even get to ballot. In my view, KPMG, the liquidators, and others should engage in dialogue to see if that package can be improved upon and if we can do the best we possibly can for the workers. That is of immediate relevance to the workers.

We should not try to pretend to the workers that we can do everything and work out a perfect solution. There have been a number of false dawns painted for the workers by others over the last number of weeks. I do not believe that to be helpful. There are real legal constraints in terms of the liquidation process. The Deputy knows that and I know that. It is under the oversight of the High Court. There are real difficulties. There is no point in throwing them to one side or dismissing them. I am interested in seeing how we can help the workers as best we can. The Government will come forward with statutory redundancy and all of that but we have to focus on what we can get out of this desperate situation, which is an unfair situation for the workers. I salute their courage and perseverance. They have kept at this for a long time. I have met them and I have nothing but admiration for them. That is why we will do everything we can to support them in any way we can.

On the review and the Company Law Review Group, the Tánaiste asked it to expedite its assessment of this issue.

**An Ceann Comhairle:** The Taoiseach is way over time.

**The Taoiseach:** That assessment will be finished by quarter four of this year.

**Deputy Mick Barry:** Today at 6.15 a.m., ex-workers from Debenhams stores at Mahon Point, St. Patrick's Street and Tralee occupied the St. Patrick's Street store in Cork city. At 7 a.m., workers and supporters occupied the store at Henry Street, Dublin. As the news broke

on “Morning Ireland”, I have no doubt but that working people across the country will have silently cheered. Everybody knows by now that this dispute is a litmus test for how workers’ rights fare in this pandemic. The workers sitting in were stepping up their campaign for four weeks’ redundancy pay per year of service. It is a just campaign. They were firmly rejecting the insulting offer made to them by KPMG last week, an offer which amounted to the statutory minimum plus one day’s pay per year of service. In a company in which most workers worked part-time, the KPMG offer equalled €615 for one part-time worker with 18 years of service and €137 for another part-time worker with six years of service. These are sums of money less than one-tenth of what they would have received under their old deal with Debenhams.

There is a long-standing and proud tradition in this country of worker sit-ins. In Cork, we remember the Vita Cortex workers. Scandalously, people who were sitting in this morning on Henry Street, including shop steward Jane Crowe and workers Doreen Keegan and Seán Powney, were arrested, removed from the store and charged on suspicion of trespass. These workers are not the criminals, they are the victims of a multinational company, which has robbed them of a decent redundancy, engaging in a tactical liquidation while hoarding £95 million in the bank.

The Government has been in power for more than two months. The Taoiseach himself met a delegation of Debenhams workers at Government Buildings. Valerie Conlon was part of that delegation and she is leading the St. Patrick’s Street sit-in today. The Taoiseach has stood on the St. Patrick’s Street picket line for photographs with these workers. The Taoiseach cannot tell me that he was unaware of the insulting offer that was made to these workers. His own backbench Deputies were telling workers the broad outlines of that deal days before the offer was made. The Taoiseach speaks of these workers having suffered shoddy treatment. Some of the parties that have treated the workers shoddily include the Taoiseach himself, his party and his Government, by standing by and allowing such an insulting offer to be put before them in the first place. How could the Taoiseach be so out of touch that he would think that an offer of €1 million would end a dispute over the need to increase redundancy payments by €10 million? The workers feel they have been badly let down by the Taoiseach. They feel that the KPMG offer, which was withdrawn this morning, must be replaced by an improved offer of four weeks’ redundancy per year of service.

I asked the workers sitting in on St. Patrick’s Street for a comment that I might read to the Taoiseach at the end of my contribution. They sent me the following comment: “Remember golfgate”. It is time to play ball with the Debenhams workers.

**The Taoiseach:** The Deputy is correct that I met the workers in the Taoiseach’s office. They were realistic and they were not easily fooled by anybody about what was possible and not possible within the law. They had no intention of being taken up the mountain only to be led back down again. They were focused on trying to get a realistic package for themselves and their colleagues, who have spent a long time with the company and who have worked for many years. The Deputy knows full well that last week’s offer was not a Government offer so he should not try to portray it as such.

To be fair to the trade union involved, Mandate, it is doing its best within limited circumstances to try to get some sort of a package from a company that has left, through the process where some resources could perhaps be freed up to make a contribution to the workers’ situation. That is my understanding of the situation but I was not directly involved in that; nor was the Government.

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I went to the picket line on St. Patrick's Street because the workers asked me to go. I did not go for a photograph. When I was there, the workers asked if they could take a photograph with their mobile phones and of course they could. The Deputy should not make comments of that sort in a derogatory way as he is passing by in his contribution. As I have said, my only focus is on the workers themselves. They have worked for this company for a long time and they have been badly let down. The Government, through its mechanisms, will fulfil its obligations in respect of statutory redundancy. As for the law, there are commitments in the programme for Government to make sure that legal provisions are made around collective redundancies and the liquidation of companies to protect effectively the rights of workers into the future. That is the priority but that will not help in the current situation and with the challenges facing the workers in Debenhams. It is an issue that the Government is very concerned about, as is the plight of the workers. We intend to do anything we possibly can to help them in the aftermath of the closure of the stores in this country, within the law and the frameworks available to us.

**Deputy Mick Barry:** The Taoiseach said the offer was not a Government offer. I never said it was.

**The Taoiseach:** The Deputy implied it.

**Deputy Mick Barry:** I said that the Taoiseach and his Government had sight of that offer before it was put on the table and the Taoiseach did not deny that was the case.

**The Taoiseach:** No, I did not.

**Deputy Mick Barry:** His backbenchers were going around the picket lines for days previously giving the workers the broad outline of the offer. I ask the Taoiseach not to take people for fools. He was part and parcel of an insulting offer that was made to these workers. The workers the Taoiseach met in Government Buildings and whom he has just spoken about organised a rally outside the shop today at which thousands of leaflets were distributed. The workers made very clear that they feel the Taoiseach and other Government Deputies have let them down very badly, as indeed they have.

KPMG has stated it cannot make the offer the workers wish unless it is instructed to do so by the Government. The workers will not let the stock leave the shops and this dispute will not go away until that offer is made. The Taoiseach knows what he has to do. I ask him to do it now, please, and resolve this dispute.

**The Taoiseach:** The Deputy's assertion is untrue. I did not have sight of that offer.

**Deputy Mick Barry:** How was it that the Taoiseach's backbenchers were telling people to engage? How did they know?

**The Taoiseach:** I am telling Deputy Barry the truth. Will he withdraw what he just said? I did not have sight of that offer before the workers.

**Deputy Mick Barry:** I will not withdraw it.

**The Taoiseach:** The Deputy cannot be making assertions of that kind.

**Deputy Mick Barry:** The Taoiseach told me that-----

**An Ceann Comhairle:** I ask Deputy Barry to allow the Taoiseach to continue without inter-

ruption.

**The Taoiseach:** What is happening, from Deputy Barry's perspective, and has happened from the beginning of the dispute, is that this is about the politicisation and exploitation of the issue to the best political advantage of the Deputy. I put it to him bluntly that that is what he is about. My focus is on what I can do practically for the workers.

**Deputy Mick Barry:** He is insulting them.

**The Taoiseach:** I am not into some sort of ideological war.

**Deputy Mick Barry:** The Taoiseach is insulting the workers.

**The Taoiseach:** There are two things we can do from this date. We will do whatever we can to put pressure on to get a deal, a respectable package, for the workers. We need to change the law as well to protect workers in future by protecting collective agreements. That has to happen. As I said, I had preliminary discussions with ICTU. They were not on the agenda. I had a general discussion with representatives of ICTU last week in the context of the social dialogue unit we are establishing in my Department. In the context of that discussion, we discussed Debenhams and how we could develop mechanisms in the future, and whether we could do something to assist Debenhams' workers. That is my only focus and the focus of the Government right now.

**An Ceann Comhairle:** I thank the Taoiseach. The time is up.

**Deputy Mick Barry:** The Taoiseach now has a package that will not now fly.

**An Ceann Comhairle:** Deputy Barry, please. I call Deputy Fitzpatrick, on behalf of the Regional Group.

**Deputy Peter Fitzpatrick:** As I am sure the Taoiseach is aware, there is great concern and anger about how leaving certificate grade inflation, which we witnessed on Monday, will impact more than 20,000 Central Applications Office, CAO, applicants who are using the previous leaving certificate results. I had assumed that the calculated teachers' estimated marks combined with the standardisation process, overseen by the Department of Education and Skills, to bring these grades more in line with previous years would have resulted in more consistent results when comparison was made with previous years. The breakdown of results shows clearly that teachers overestimated the marks of their students. One in six, or 17%, of teachers' estimated grades ended up being reduced downwards to limit the scale of grade inflation. Despite this, we still see an overall grade increase of almost 5%. Looking at individual subjects, we see big jumps in H1 grades, ranging from 79% in applied mathematics to 54% in geography, 43% in English, 32% in biology and 31% in mathematics.

Overall, the proportion of students achieving top grades in higher level papers has jumped significantly since last year. As a result, we can expect the CAO points requirement to increase across the board. Putting this in context, if an average student received a higher grade in four of seven subjects, this would result in him or her achieving an increase of 45 CAO points. The net effect of this is that the points required for CAO courses will rise significantly. This is completely unfair to students seeking to apply through the CAO system this year who completed the leaving certificate in 2019 or earlier. I have spoken to a number of students from County Louth who completed the leaving certificate in 2019 and are applying to the CAO in 2020. They are

at a complete disadvantage. Many students who sat the leaving certificate examinations in 2019 and earlier have since been working to save money to be able to afford to go to college this year. They must be protected and given a fair chance. With no system in place to ensure the fair treatment of this group of students when the CAO offers are released on Friday, it is now clear that the 20,000 students affected will be at a severe disadvantage when competing for a course place against those who received their results through the predicted grading system. These applicants do not have the same representation as those who were due to sit the leaving certificate this year and must not be ignored by the Government. Is the Government willing to do the right thing by these 20,000 applicants to ensure they are not severely disadvantaged by this process? If the Government is not willing to take decisive action to rectify this impending problem, the subsequent unfairness will be abhorrent.

The Government has referred to the fact that additional college places are being made available this year. These extra places will not be nearly enough to fully offset this predictable injustice. We must support and encourage this group of students. Education is the key to a successful career and we must afford every opportunity to students to allow them reach their full potential. We cannot have a situation where a certain group of students is totally disadvantaged as a result of a situation over which it had no control. I appeal to the Government to do the right thing by this group by taking whatever measures or actions are necessary to ensure the CAO offers are fair to all students and not solely to the class of 2020.

**The Taoiseach:** Yesterday was a special day for the thousands of students in the class of 2020 and their families. It is fair to say these students have endured a lot of anxiety and uncertainty over the past year due to the severe impact that Covid-19 has had on their lives, education and leaving certificate examinations. School communities and teachers articulated more than a sigh of relief that we have got to the stage when results have been issued.

I pay tribute to all involved in the calculated grades system, including the technical people within the Department Education and Skills, and the extraordinary work that has gone into this solution. The overall point that should not be lost on us is that this has been a unique year because of Covid and no ideal solution can be found, other than to sit the leaving certificate examinations. The Deputy will know that the examinations have always involved a standardisation process. The process undertaken this year has been comprehensive.

On grade inflation, it must be pointed out that there was no change of grade in approximately 79.2% of cases. It was not 20,000 students who sat the examinations in 2019. My understanding is that approximately 9,000 of prospective college applicants undertook the examinations in 2019 and the figure of up to 20,000 relates to applicants who have sat the examinations since 1985. Some of the affected 9,000 students may get third level places. There is a range of variables that will play into what will happen next Friday when the points for the CAO competition are published. It is difficult at this stage to be precise about the challenges that may arise for last year's leaving certificate students who are seeking to secure places in colleges, institutes of technology or other areas this year.

The Minister with responsibility for higher education, Deputy Harris, and the Minister for Education and Skills, Deputy Foley, have been working on this matter and there will be more than 5,000 additional places available at third level this autumn to be assigned through the CAO system. Of that number, 2,000 provide for demographic increases and another 2,000 come from the July stimulus package and human capital initiative. A further 1,200 places were agreed by the Cabinet two weeks ago. All of those places are designed to try to reduce pressures

in key areas and approximately 370 of those additional places apply specifically to high grade areas. Much will depend on the decisions students make.

Particular variables that will impact on demand this year include changing patterns of learning with more blended learning, accommodation and transport factors and students who may be seeking to defer or reapply in subsequent years. Reduced opportunities in the economy may also become a factor in people's decision making. The pandemic itself will have an impact on the decisions that students make about courses. A lot of courses will be online this year. That may impact on student decision-making. The uncertain patterns of international students travelling could also impact on places.

**An Ceann Comhairle:** Time is up.

**The Taoiseach:** We are keeping a very strong watch on this and will do everything we can to try to ease the pressures on those securing places this year.

**Deputy Peter Fitzpatrick:** I agree with the Taoiseach that this is a unique year. This group has a lot of questions and I feel he has not answered them. It is clear that the CAO points requirement will be greatly inflated this year due to the predicted grades system. A level playing field is needed. Grades increased in 2020 by 4.4%. This Government is, like the previous Government, always asking for solutions. A real solution is that students who did exams in 2019 and previous years would have their results increased by 4.4% so they would be treated the same as those who received results in 2020. That is one solution the Government could consider.

Everybody deserves an education. As the Taoiseach said earlier, education is the key to a successful career and we must afford every opportunity to students to ensure they reach their full potential. In Dundalk, we have a college called DkIT. I am very proud of it for the simple reason that 80% of the students who attend it have parents who never had the opportunity to get a third level education. Education is very important.

This is a unique year. I ask the Taoiseach to make sure that nobody is stopped from getting a third level education. All students should be given a course. If someone does a course he or she is not capable of doing, he or she can drop out. People should not be stopped from having a third level education.

**The Taoiseach:** As I said, the Government has approved 5,000 extra places this year to try to ease the pressures. The calculated grades model is robust and as fair as it can possibly be. The decision to take out the socio-economic profiling of schools was correct and was broadly welcomed in the House.

The Government does not have within its capacity the power to create places for every single person who wants a place in third level, unfortunately. Third level institutions do not have the capacity. Ministers have worked with third level institutions to secure additional places. The Deputy will understand that for practical courses involving laboratories and so on it can be difficult to expand numbers. Significant work has been put into providing resources to get increased numbers at third level this year. We will monitor the situation.

The Minister is continuing to work with colleges this week to see if he can get additional places. We will see where this lands on Friday and what the nature of the challenge will be for those students to whom the Deputy referred. It was not possible to have separate calculated

grades for the 2019 cohort who are applying this year. This is a once-off and unique situation. All the work involved has been about trying to make the system as comparable as possible with previous and future leaving certificates.

**Deputy Joan Collins:** I also wish to raise the issue of the Debenhams workers, because I do not think we got an answer that we can stand by. Would the Taoiseach condemn the arrests of the workers this morning? Is it now the policy of the gardaí to arrest workers engaging in peaceful industrial action? To my knowledge, this has never happened before. Occupations have been broken up and workers have been arrested and, indeed, jailed, but only on the basis of a fine, court order or injunction, none of which was issued in this case. Workers were arrested on the basis of trespassing under the public order Act and an act of criminal damage is being investigated by the gardaí in Store Street. Former Debenhams workers are entitled to protest at their disgraceful treatment by a major company, which is still trading and which, as has been mentioned, has £94 million in the bank. We are dealing with a tactical insolvency and the use of the Covid-19 pandemic as a cover. The actions of the liquidator, KPMG, in withdrawing what was a measly offer is also to be condemned.

I note the Taoiseach's point that the expectations of the workers were not very high. To get one extra day's pay per year of service is an insult to those workers and they were rightly very enraged about it. The situation could have been avoided if the outgoing Government, which the Taoiseach supported in the confidence and supply agreement, had legislated to implement the recommendations of the Duffy Cahill report. This report was commissioned by the then Minister for Jobs, Enterprise, and Innovation in 2015 and presented to that Government in 2016. The Taoiseach is correct that Mandate is constrained by having to work within the legislation but that has to be amended with immediate effect. We have been here over the past number of weeks bringing in emergency legislation, which the Opposition has allowed to go through because it related to Covid-19. This legislation for these workers and for future workers should be brought in as a matter of urgency in the next two weeks. Will the Taoiseach give a commitment to introduce this legislation to implement all nine recommendations in that report as a matter of urgency? There may well be a tsunami of closures, bankruptcies and insolvencies as a result of the economic crisis caused by Covid-19. The Taoiseach needs to be prepared and to take action to legislate for the Duffy Cahill report now.

**The Taoiseach:** The report did not make specific proposals for changes to the Companies Act 2014; rather its proposals were primarily concerned with amendments to employment law and the company law review group has considered options in respect of company law. The Tánaiste has asked it to do so now with a view to protecting the rights of workers where collective agreements have been arrived at. Clearly there has been a breach of a collective redundancy agreement here by the company, which is in liquidation. The parent company was in examinership but I believe it is now in liquidation and did not want to know about, nor did the examiner, releasing any resources to honour the company's commitment to the workers in Ireland. Passing the law now would not help the workers in Debenhams right now but will have an impact in the future, which I acknowledge. The review that was asked for will be ready in the fourth quarter of this year. It will be a Government priority to work on that and to bring about changes on that issue.

The Companies Act 2014 needs to be reviewed, for example, to address the practice of companies splitting their operations between trading and property, as we discussed earlier, as well as examining legal provisions that pertain to any sale to a connected party following the insolvency of a company. That is one dimension to this. What should happen is that dialogue

should resume between representatives of the key parties and stakeholders here to see if a package can be arrived at through the liquidation process or if resources from that can be allocated to workers. I do not get the sense that it can ever be of the same scale as what they had agreed with the company in the redundancy agreement but one route among a number is that particular one, which should be pursued again. The liquidator should re-engage and resile from any actions that further inflame the situation and make a resolution more intractable in the coming weeks and months.

The workers have been on the picket lines for far too long. It is very difficult for them and their families. This needs to be brought to some resolution so that they can recreate their lives as best they can in a very difficult situation.

**Deputy Joan Collins:** The Duffy Cahill report was published in March 2016. We had 2017, 2018, 2019 and we are now in 2020. The Taoiseach is correct that those workers have been a long time on the picket line - 150 days. When people were told to cocoon at the very start of the restrictions, those workers had to go out there and protect the shop's stock so that it would not be sold off above their heads. They have been out there every single day of the week of the last period of time. We have a duty to those workers to say now that legislation will be brought in immediately as an emergency measure to deal with this. The Government should put all its resources into doing that in the next week or two. The Taoiseach said it will not affect the Debenhams workers but if he brought in legislation immediately, and I know the unions have raised this with him, the liquidation is still in process so it could impact on those workers if the Government hunted down Debenhams assets to pay the workers. It can be done. The Duffy-Cahill report said that the Government should pay the four weeks' redundancy per year of service and then hunt down the assets. The law has to be changed. It is not good enough to leave these workers in this position for the next ten, 20, 30 or 40 days without bringing in legislation. The Taoiseach should bring in emergency legislation now. He has the power to do it. He has done it repeatedly over the past while in terms of emergency legislation to deal with the Covid-19 pandemic. I ask him to do that now for these workers.

**The Taoiseach:** It is not as simple as bringing in emergency legislation.

**Deputy Joan Collins:** No, but we managed to do it-----

**The Taoiseach:** We had to in terms of the Covid payment, the pandemic unemployment payments and the wage subsidy scheme for hundreds of thousands of people.

**Deputy Richard Boyd Barrett:** Why can the Taoiseach not do it for the Debenhams workers?

**Deputy Joan Collins:** Exactly. We have to do this.

**The Taoiseach:** They were very straightforward measures to give a legislative basis to make sure that workers did not go without during the pandemic, particularly before the summer recess. In this situation, it is about changing company law and bringing in recommendations - a combination of both - that emanate from the Duffy-Cahill report. The Duffy-Cahill report in itself would not necessarily, in some cases, help a situation similar to that in which the Debenhams workers are but it could not be applied retrospectively and it would not help the workers right now. The focus now should be on what can be done to help the workers involved in this dispute. That is where the practical focus should be, in my view. The review is under way in terms of the law. It has to be informed because company law is not simple.

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**Deputy Joan Collins:** Four years later-----

**The Taoiseach:** New loopholes emerge.

**Deputy Richard Boyd Barrett:** It is designed to-----

**The Taoiseach:** We have got to make sure we do this properly this time. We must ensure that loopholes are boxed off, that there is a greater emphasis on protecting collective agreements in employment law into the future and preventing bad practices in terms of separation of assets from trading income and a whole load of mechanisms that can be used by some companies to exit from their obligations.

### **An tOrd Gnó - Order of Business**

**An Ceann Comhairle:** The House has agreed that, for the duration of the Covid-19 emergency only, the rapporteur's report of the Order of Business shall not be read out but shall be taken as read. There are three proposals to put to the House in accordance with that recommendation. Is the proposal for dealing with today's business agreed to?

**Deputy Richard Boyd Barrett:** It is not agreed. I very rarely, if ever, miss a Business Committee meeting but I feel like saying that while the cat is away, the mice will play. Questions on Promised Legislation has disappeared from the normal schedule where we might, for example, ask the Taoiseach when the legislation to implement the Duffy-Cahill report will be brought forward. The Government, having knocked the smaller parties down the pecking order in an effort to gag them at the end of the summer recess, has now given itself extra time above and beyond the move to gag the smaller parties. It wants to have its cake and eat it and to dominate the debate in here completely. It is absolutely unbelievable.

**An Ceann Comhairle:** I thank the Deputy.

**Deputy Richard Boyd Barrett:** The neck is extraordinary. Also, there was an agreement at the Business Committee two meetings ago to have a debate on the economic situation this week, particularly given the Government's plans to axe the pandemic unemployment payments, PUP, the week after that. On multiple grounds, therefore, I object to the Order of Business.

**An Ceann Comhairle:** Before we go any further, we can only have one contribution from each group. We cannot have multiple speakers. Does the Taoiseach wish to speak?

**The Taoiseach:** I was only going to suggest that the eloquence of the Deputy proves beyond any shadow of a doubt that it is impossible to gag him.

**An Ceann Comhairle:** That is a well-established fact.

**Deputy Michael Healy-Rae:** The Taoiseach might get away with that answer but he will not get away with it from me because he is trying to do the same thing to the Independents. It is not welcomed by us to think that he is trying to gag us at this time. What he, his Chief Whip and others have tried to do in recent weeks is to silence us. Not only is he putting us at the end of the pecking order; he would like to have us outside the door completely if he was able to do that. Thanks to the electorate, so far the Taoiseach has not been able to do that.

I know the Ceann Comhairle will respect very much the sincerity of my next request. When will we have an opportunity to try to put our shoulders to the wheel in a sensible and meaningful way to support the airline industry, travel agents, the airports and that whole sector? They are suffering so much.

**An Ceann Comhairle:** That is not relevant to the business before us now.

**Deputy Michael Healy-Rae:** It is relevant to the Order of Business because I want to know when such an opportunity will be given to the House.

**An Ceann Comhairle:** We can have only one speaker from each group.

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** I take Deputy Boyd Barrett's point. At the meeting of the Business Committee, there was a full explanation as to why Questions on Promised Legislation were not included this week. They will be included next week. There have been meetings on the legislative programme, which is being prepared, yesterday and today and there is to be another tomorrow and we hope to bring it to the Cabinet next Tuesday in order that the Deputy can ask questions on promised legislation. The intention is to have a relevant publication so there can be a meaningful 30-minute slot. That will absolutely be in place as normal from next week.

On the question on the economy, the Deputy's concern was shared by the Government side and, in fairness, by all Deputies across the House. We tried to facilitate a full and wholesome debate on health, including the four pillars of healthcare - Covid and health, disability services, public healthcare, mental health services and older people's services. The plan is to have a proper debate on the economy next week instead of just trying to fit a debate on the economy into a small slot on health this week. The objective is to have a meaningful debate next week. That was agreed fully by all members of the Business Committee. It will be on the schedule for next week.

**Deputy Mattie McGrath:** I am aware a meeting of the Business Committee is scheduled for this evening. I asked at a Business Committee meeting last week about our not being allowed to ask about promised legislation. I thought we were getting that and I supposed I was not alert enough to what happened. Is there any chance that we can discuss promised legislation tomorrow and Thursday? We are to have a Business Committee meeting this evening. This is cutting out Deputies of all parties and intentions.

**An Ceann Comhairle:** All right-----

**Deputy Michael Healy-Rae:** I am sorry but is the Taoiseach going to answer my question on the airlines and the travel agents, or is he going to ignore that section of society?

**An Ceann Comhairle:** I am going to let him answer if the Deputy will give him a chance.

**Deputy Richard Boyd Barrett:** The Government did not respond to the point on additional time, above and beyond that associated with the manipulation of the speaking order executed at the end of summer term.

**An Ceann Comhairle:** The Deputy is wandering away. We are dealing with the proposed business, not anything else.

**Deputy Richard Boyd Barrett:** That is the proposed business. There is additional time

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for the Government, above and beyond that associated with the cynical manipulation already rammed through.

**The Taoiseach:** Quite clearly, what happened in the summer was that many backbenchers of other parties wanted to have their say as well and wanted their opportunity.

**Deputy Richard Boyd Barrett:** The Government-----

**The Taoiseach:** No. They are backbenchers elected by the people, just as Deputy Boyd Barrett is elected-----

*(Interruptions).*

**An Ceann Comhairle:** If Deputy Boyd Barrett is going to ask the Taoiseach a question, he should be let answer it.

**Deputy Richard Boyd Barrett:** I am just wondering if they are from the same party-----

**The Taoiseach:** What the Deputy is asserting is that he has rights that are superior to those of other Deputies in this House.

**Deputy Richard Boyd Barrett:** No, I am not.

**The Taoiseach:** He always is. Essentially that is his argument.

**Deputy Richard Boyd Barrett:** I am saying we should keep to the order that has been there since the 1920s.

**The Taoiseach:** We believe there should be proportionality and plenty of time for every Deputy. I am a great believer in parliamentary democracy and I believe people of all parties and none should have an opportunity to speak and articulate their views.

**Deputy Richard Boyd Barrett:** We always had that time. Always.

**The Taoiseach:** No, actually-----

**Deputy Richard Boyd Barrett:** We did.

**The Taoiseach:** In the previous Dáil, that did not happen.

**Deputy Richard Boyd Barrett:** It did.

**The Taoiseach:** Many Deputies were excluded in the previous Dáil in practical terms. They just did not get the opportunities.

**Deputy Mattie McGrath:** And they did not turn up.

**The Taoiseach:** They did not get the opportunities; that is what happened.

**Deputy Mattie McGrath:** They had not even turned up.

**The Taoiseach:** Groups with far fewer Deputies in the House got much more time-----

**Deputy Richard Boyd Barrett:** No.

**The Taoiseach:** What we need is a bit of balance; that is all. As far as I am concerned-----

**Deputy Richard Boyd Barrett:** Wait and see the turnout from the Government parties at committees-----

**The Taoiseach:** I did not interrupt the Deputy. This is a plenary session, and people felt they were excluded. They made representations to the various parties. All parties, in negotiating future orders for this Dáil, arrived at conclusions, agreements and so on. I was not at the meeting of the Business Committee; I do not attend its meetings. My understanding is that an agreement was reached at a meeting of the committee on the sittings for last week, this week and next week, and that is the way it should be.

The Government is obviously concerned about every sector that has been affected by Covid-19, not least the aviation sector. It is in a challenging situation, as are the hospitality and some other key sectors on which Covid-19 has had a devastating impact. I have no difficulty in working with or taking certain ideas from Deputies on how we collectively try to help industries that are in challenging circumstances because of the devastating impact of Covid on normal economic activity.

**An Ceann Comhairle:** Can we now agree on the taking of business as outlined for today?

**Deputy Richard Boyd Barrett:** Not agreed.

Question put: : “That the proposal for dealing with Tuesday’s sitting be agreed to.”

<i>The Dáil divided: Tá, 26; Níl, 19; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Butler, Mary.</i>	<i>Carthy, Matt.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Cullinane, David.</i>	
<i>Costello, Patrick.</i>	<i>Healy-Rae, Michael.</i>	
<i>Crowe, Cathal.</i>	<i>Kelly, Alan.</i>	
<i>Dillon, Alan.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Durkan, Bernard J.</i>	<i>McDonald, Mary Lou.</i>	
<i>English, Damien.</i>	<i>McGrath, Mattie.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Murphy, Catherine.</i>	
<i>Haughey, Seán.</i>	<i>O’Callaghan, Cian.</i>	
<i>Higgins, Emer.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Lawless, James.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Leddin, Brian.</i>	<i>Pringle, Thomas.</i>	
<i>Madigan, Josepha.</i>	<i>Ryan, Patricia.</i>	
<i>Martin, Micheál.</i>	<i>Smith, Duncan.</i>	
<i>Matthews, Steven.</i>	<i>Wynne, Violet-Anne.</i>	
<i>McAuliffe, Paul.</i>		

<i>Murphy, Eoghan.</i>		
<i>Murphy, Verona.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Connor, James.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Richmond, Neale.</i>		

Tellers: Tá, Deputies Jack Chambers and Mary Butler; Níl, Deputies Joan Collins and Richard Boyd Barrett.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Richard Boyd Barrett:** Not agreed.

Question, "That the proposal for dealing with Wednesday's business be agreed" put and declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with Thursday's business agreed to?

**Deputy Matt Carthy:** Not agreed.

We object to the sitting on Thursday moving back to the Convention Centre. It undermines the credibility of the House that we cannot come up with a solution that allows us to do our business here. As parents send their children on school buses and people go back to work in meat factories and other settings, the suggestion that we cannot come up with a working proposal that protects public health but allows us to do our business in this place is absolutely ludicrous. Today, the Government produced guidelines that will allow more people to sit in the Dáil bar than can sit in the Dáil Chamber. It is a crazy situation that needs to end and I call on the Business Committee to reconvene and come up with a workable solution that allows us to do our business in this House.

**Deputy Michael Healy-Rae:** Well said.

**Deputy Mattie McGrath:** I had something else to raise but again this is hypocrisy from Sinn Féin. I proposed at the Business Committee meeting last Thursday, which the Ceann Comhairle chaired, that we would sit here every day and I got no seconder from Sinn Féin so this is grandstanding in the extreme. I was told by the party's representative that it might support me the next day. As the Ceann Comhairle knows, I have proposed at every Business Committee meeting that we do not sit in the Convention Centre because of the cost and all of the reasons outlined by Deputy Carthy. This is brass hypocrisy. Sinn Féin did not support it last week. It is shocking. I object to the business today and I ask again whether questions on promised legislation will be discussed at the meeting of the Business Committee this evening. Perhaps this evening Sinn Féin will support me when I ask that we move back here full time. I hope I will get another chance to do so at the meeting of the Business Committee.

**Deputy Matt Carthy:** Deputy McGrath is just making things up.

**Deputy Mattie McGrath:** I am not making stuff up.

**Deputy Matt Carthy:** He is.

**Deputy Mattie McGrath:** They are facts.

**An Ceann Comhairle:** Please, Members.

**Deputy Richard Boyd Barrett:** Protecting public health is a priority but we have to face the fact there is a shocking contradiction. I raised this at the Covid committee so I am not grandstanding. We are spending approximately 50 times more on ensuring adherence to public health guidelines per Deputy than we are spending per pupil in school. That is shocking. The money given to schools to ensure physical distancing is approximately 50 times less per pupil than the amount of money we are spending on ensuring adherence to the public health guidelines in the Dáil. That will not fly with people. We have to address it without compromising public health. We have to focus on finding a solution to this.

**An Ceann Comhairle:** For the information of Members generally, on the day of the summer recess, the Business Committee convened a special meeting that went on for a number of hours, where we heard submissions from a variety of experts in this particular field. It was open to any group to propose that we ignore the advice we were being given and return here. In fairness, with the exception of Deputy Mattie McGrath-----

**Deputy Mattie McGrath:** Thank you.

**An Ceann Comhairle:** -----who has consistently been of the view that we should be here all the time, everybody else saw merit in the expert advice we were being given. If we need to go back and get more expert advice in light of the points that have been made, I for one am certainly very willing to do that.

**Deputy Matt Carthy:** A Cheann Comhairle-----

**An Ceann Comhairle:** What?

**Deputy Matt Carthy:** Can I make a point, please?

**An Ceann Comhairle:** Normally Deputies make just one point but the Deputy should proceed.

**Deputy Matt Carthy:** Nobody is suggesting that we ignore the public health advice. As has been the case with the pubs today, for example, the public health advice can be reflective of what is a requirement. In our case, this House is required to meet in this place. In my view, public opinion demands it. This has been Sinn Féin's consistent position. I hope it can be clarified to the House that when the suggestion was made that the Dáil would vote in the manner in which we have just voted on a reduced basis, something that Sinn Féin proposes, Deputy Mattie McGrath was one of those who refused to give the imprimatur of his group to adhere to it.

**Deputy Mattie McGrath:** Lies.

**Deputy Matt Carthy:** That is factually the position that would allow us to sit here.

**Deputy Mattie McGrath:** Total lies.

**Deputy Pádraig Mac Lochlainn:** The Deputy is a charlatan.

**Deputy Matt Carthy:** What I suggest is that the Business Committee meet this evening to find a way, in line with public health advice, that we can do our business in this House.

**Deputy Mary Lou McDonald:** Hear, hear.

**Deputy Danny Healy-Rae:** Sinn Féin voted against the publicans last Thursday.

**An Ceann Comhairle:** I remind Deputies that the public is watching this. Can we behave with a little bit of decorum and respect and let us try to sort out this problem-----

**Deputy Mattie McGrath:** Let us have the truth.

**An Ceann Comhairle:** There is most definitely a problem. Does the Taoiseach or Chief Whip wish to make a comment on this?

**The Taoiseach:** This is not a Government matter in the sense that it is a matter for the Oireachtas. The Ceann Comhairle has put it very clearly. He said there was a special meeting at the end of July. No one suggested or proposed to the Ceann Comhairle, bar one Deputy, Deputy Mattie McGrath, that we ignore or go against advice. It seems the situation has to do with voting. The Government is very open to whatever the Oireachtas agrees to consider. It does not serve the Oireachtas very well to be going for the cheap soundbites all the time and comparing this to the Dáil bar and all this type of nonsense.

**Deputy Mattie McGrath:** The Dáil bar is closed.

**The Taoiseach:** It has been closed for a long time. It is a great line but it does not help us deal with the situation. It is a great old line but that is about it. It is a nice line to shout out but it does not advance the argument.

**Deputy Michael Healy-Rae:** It is the truth.

**The Taoiseach:** The issue seems to be whether we can organise votes here that everybody will observe. I am not an expert on this and I was not a part of the public health expert advice or the secretariat to the Oireachtas with regard to voting. It seems that voting is the major challenge to the authorities in the House with regard to organising it safely within public health guidelines. We are all agreed it is far more amenable for us to be here and it is more efficient timewise to be in this Chamber rather than having to go down to the Convention Centre. That seems to be the general view that most Deputies have. Certainly the Government is open and we will be constructive in working with the Oireachtas. The Business Committee met again last week. It seems that every second decision of the Business Committee is now being challenged, even though everyone seems to have been at the meetings. Notwithstanding everyone agreeing with a particular position, within 24 or 48 hours it is disagreed with. We will work with the Ceann Comhairle.

**An Ceann Comhairle:** Thank you.

**The Taoiseach:** We will work with other parties to facilitate an agreeable outcome.

**Deputy Duncan Smith:** I make an official request of the Ceann Comhairle that he call a

special meeting of the Business Committee within seven days. Deputy Carthy said it would meet tonight but all groups need a few days to put their proposals forward. There is no point in having a shortened version of the meeting we had at the end of July. Each group should have a few days to put forward proposals to return to this House. I ask the Ceann Comhairle to call this meeting within a week to discuss this issue on its own.

**An Ceann Comhairle:** That is a very reasonable proposal and that is what I will do if Members are agreeable.

**Deputy Mattie McGrath:** We have a meeting tonight and I hope we can at least discuss it then. We will wait for the proposals certainly but, for the record of the House, I have been making proposals at each meeting and the Sinn Féin Whip was there the last day and he did not support me. He said he might support me. That is a fact and the records are there to prove it. Hypocrisy goes on.

**Deputy Pádraig Mac Lochlainn:** Deputy McGrath is a political bluffer and everyone knows it.

**Deputy Mattie McGrath:** The Deputy should ask his Whip.

**An Ceann Comhairle:** I ask the Deputies to calm themselves.

**Deputy Thomas Pringle:** Everybody wants to be back here in this House but I do not see the point in having another special meeting. We had a meeting before the recess when all of the experts were in. They basically said that maintaining a 2 m distance cannot be done in this House. We cannot have everybody in this House to vote. That is the reality of the situation. I do not see that changing through having a special meeting next week but if it does, we will participate in it. Unless we can go down to 1 m distancing, there will not be full meetings here, unfortunately, and we will have to continue to go to the Convention Centre. That is the reality and it needs to be put out there. That is the position. What is the point in having another meeting to discuss that unless a decision will be made that we go down to 1 m.

**An Ceann Comhairle:** Deputy Duncan Smith had the idea that groups may have new proposals to put. If they do, we will consider them.

Question put: "That the proposal for dealing with Thursday's business be agreed to."

<i>The Dáil divided: Tá, 28; Níl, 17; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Bruton, Richard.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Butler, Mary.</i>	<i>Carthy, Matt.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Collins, Joan.</i>	
<i>Chambers, Jack.</i>	<i>Cullinane, David.</i>	
<i>Costello, Patrick.</i>	<i>Healy-Rae, Michael.</i>	
<i>Crowe, Cathal.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Dillon, Alan.</i>	<i>McDonald, Mary Lou.</i>	
<i>Durkan, Bernard J.</i>	<i>McGrath, Mattie.</i>	

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<i>English, Damien.</i>	<i>Murphy, Catherine.</i>	
<i>Fitzpatrick, Peter.</i>	<i>O'Callaghan, Cian.</i>	
<i>Haughey, Seán.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Higgins, Emer.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Kelly, Alan.</i>	<i>Pringle, Thomas.</i>	
<i>Lawless, James.</i>	<i>Ryan, Patricia.</i>	
<i>Leddin, Brian.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Matthews, Steven.</i>		
<i>McAuliffe, Paul.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Verona.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Connor, James.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Richmond, Neale.</i>		
<i>Smith, Duncan.</i>		

Tellers: Tá, Deputies Jack Chambers and Mary Butler; Níl, Deputies Matt Carthy and Pádraig Mac Lochlainn.

Question declared carried.

### **Report of Committee of Selection: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** I move:

That Dáil Éireann:

(a) approves the First Report of the Standing Committee of Selection in accordance with Standing Order 34, copies of which were laid before Dáil Éireann on 3rd September, 2020;

(b) approves the Second Report of the Standing Committee of Selection in accordance with Standing Order 34, copies of which were laid before Dáil Éireann on 8th September, 2020, and appoints members to Select Committees accordingly; and

(c) pursuant to Standing Order 104(2), appoints the following members as Chairs of Committees:

Deputy Steven Matthews - Chair of the Committee on Housing, Local Govern-

ment and Heritage

Deputy Joe McHugh - Chair of the Committee on European Union Affairs

Deputy Maurice Quinlivan - Chair of the Committee on Enterprise, Trade and Employment

Deputy Fergus O'Dowd - Chair of the Committee on the Implementation of the Good Friday Agreement

Deputy James Lawless - Chair of the Committee on Justice

Deputy Kathleen Funchion - Chair of the Committee on Children, Disability, Equality and Integration

Deputy John McGuinness - Chair of the Committee on Finance, Public Expenditure and Reform, and Taoiseach

Deputy Neasa Hourigan - Chair of the Committee on Budgetary Oversight

Deputy Seán Crowe - Chair of the Committee on Health

Deputy Paul Kehoe - Chair of the Committee on Education, Further and Higher Education, Research, Innovation and Science

Deputy Brian Leddin - Chair of the Committee on Climate Action

Deputy Jackie Cahill - Chair of the Committee on Agriculture and the Marine

Deputy Brian Stanley - Chair of the Committee on Public Accounts

Deputy Denis Naughten - Chair of the Committee on Social Protection, Community and Rural Development and the Islands

Deputy Niamh Smyth - Chair of the Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht

Deputy Charles Flanagan - Chair of the Committee on Foreign Affairs and Defence

Deputy Kieran O'Donnell - Chair of the Committee on Transport and Communications Networks.

**Deputy Aengus Ó Snodaigh:** It is a strange motion because it has left out ceann amháin de na coistí nach bhfuil ar an liosta agus a mbíonn ag déileáil le reachtaíocht. Níl an coiste um Ghaeilge ar an liosta. Is ait go bhfuil sé fágtha ar lár agus an rún seo ár gcomhair. Níl aon leithscéal ná míniú air sin tugtha. An míneoidh an Príomh-Aoire é sin dúinn agus don phobal i gcoitinne?

**An Ceann Comhairle:** Tuigim go bhfuil obair ar siúl go fóill chun an coiste sin a athbhunú. B'fhéidir go mbeidh níos mó eolas ag an bPríomh-Aoire.

**Deputy Aengus Ó Snodaigh:** Tuigim é sin ach is ait gurb é an coiste sin an t-aon choiste reachtaíochta amháin nach bhfuil ar an liosta sin. Is céim síos don Ghaeilge é nach bhfuil

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sé ann. Bhí dhá mhí ag an gcóras teacht suas le téarmaí tagartha don choiste. Nílím ag cur i gcoinne an rúin toisc nach bhfuil mé i gcoinne na gcoistí a bheith bunaithe; is ait an rud é nach bhfuil an coiste sin san áireamh. Is ceist é a d'ardaigh iriseoirí agus iad atá ag plé leis an nGaeilge liom. An bhfuil sé á chur ar leataobh? Táim ag iarraidh commitment ón Rialtas nach mbeidh moill ar eagrú na dtéarmaí tagartha sin.

**An Ceann Comhairle:** Déanfaimid ár ndícheall féachaint chuige go mbeidh rún againn mar gheall air sin an tseachtain seo chugainn ach níl sé á chur ar leataobh ar chor ar bith. Tá tábhacht faoi leith ag baint leis an gcoiste úd.

Question put and agreed to.

## Ceisteanna - Questions

### Departmental Policy Functions

1. **Deputy Mary Lou McDonald** asked the Taoiseach the status of the work of the international division of his Department. [18477/20]

2. **Deputy Richard Boyd Barrett** asked the Taoiseach his plans for State visits. [22650/20]

**The Taoiseach:** I propose to take Questions Nos. 1 and 2 together.

The international section of the Department supports my work at international level, beyond the EU, to promote Ireland's foreign and economic policy objectives and to maintain and develop strong bilateral and multilateral relations. Working closely with other Departments, including the Department of Foreign Affairs and Trade, the international section provides me with advice and briefing on international issues, bilateral and multilateral relations. It also supports my engagement with Heads of State and Government and other senior international figures and organisations.

The international section also assists with coordination of relevant whole-of-Government initiatives, such as the Global Ireland 2025 strategy and the sustainable development goals implementation arrangements. It also supported the Department of Foreign Affairs and Trade with the successful campaign for Ireland's election to the UN Security Council and will work closely with that Department as Ireland prepares to assume its seat from January 2021.

In recent months, the section has contributed to work across Government in relation to Covid-19, notably in monitoring the epidemiological situation, policy responses and practical actions taken by other countries.

The international section co-ordinates my international travel, including bilateral visits and attendance at multilateral engagements such as meetings of the European Council and leaders' summits at the United Nations. International travel is severely restricted at present and I do not expect to undertake international travel in the period ahead other than for meetings that are deemed to be essential to Ireland's interests. If it is decided that meetings of the European Council take place in person, including meetings planned for later this month, October and

December, I will attend to represent Ireland, as I did when it met in Brussels in July. While I will be participating in this year's UN General Assembly, the leaders' summit has been recast as a virtual event.

**Deputy Mary Lou McDonald:** I thank the Taoiseach for his response.

I wish to raise the issue of the intensification of attacks on Gaza by the Israeli army throughout last month. These attacks included the use of war planes with Israeli army offensives carried out almost daily from early August. In addition to the military attacks, Israel imposed further restrictions on the people of Gaza, which involved banning the entry of fuel for Gaza's only power plant. International media reported significant attacks on the Gaza Strip, resulting in ever-increasing and significant infrastructural damage. These attacks take place within a strip of land 41 km long and 10 km wide, with a population of some 2 million people. The psychological impact of these attacks on families and children is unimaginable and unconscionable.

The latest round of military attacks against Gaza took place in advance of the US Secretary of State, Mike Pompeo, visiting Tel Aviv and the Middle East to shore up support for the United Arab Emirates' efforts to normalise relationships with Israel. Such efforts are deeply divisive and will serve to further destabilise the region.

Sinn Féin has welcomed the significant joint communiqué from the main Palestinian political forces in recent days, agreeing on the need to come together in their opposition to the normalisation of relationships between the Arab states and Israel and to the plans to annex Palestinian lands. Will the Taoiseach lend his support to this cross-party Palestinian initiative?

**Deputy Richard Boyd Barrett:** From a foreign policy point of view, I would like the Taoiseach's assurance that this Government, and all parties in this House, will do absolutely nothing between now and November to facilitate, encourage or promote assistance to Donald Trump's campaign to return to the White House. I think this is a priority. Under normal circumstances, one might say we have to maintain friendly relationships with the US but I am of the view, as I have said many times in this House, that Donald Trump is inciting the most dangerous political forces. He is encouraging a politics of hate and legitimising it across the world, along with people like Jair Bolsonaro and Viktor Orbán. These people are actively encouraging and legitimising hate, division, conflict and racism in a dangerous way that echoes the politics of the fascists of the 1930s. I think Biden is useless and I am not particularly promoting him either. However, it is in all of our interests that we do not do anything that could be used by Trump to assist his return to power.

Palestine, which Deputy MacDonalld has just raised, is a case in point. Trump has given license to Israeli Prime Minister, Benjamin Netanyahu, to annex Palestinian territory, to manipulate in a dangerous way the situation in the Middle East, to renew assaults on Gaza and so on. It is another instance of the danger of Trump.

**The Taoiseach:** The Government will continue to accord a high priority to the Middle East situation, particularly the conflict between Israel and Palestine and the necessity for genuine movement towards a two-state solution. We welcome the fact that Israel has removed its threat to annex further settlements in Palestine. It is suspending the plans originally announced. We are still concerned by subsequent comments from Prime Minister Netanyahu that any suspension is temporary. Ireland's position is that any such plans should be permanently withdrawn.

I agree with Deputy MacDonalld regarding the effect that attacks, by their nature, have on

such a narrow strip as Gaza. I have been to Gaza and seen at first hand how explosions and bombings can be devastating for the civilian population. There is no way to avoid injuring and killing innocent civilians in such attacks. That is the case and the lack of proper utilities in Gaza reduces significantly the quality of life of the citizens, both in terms of energy and clean water. Ireland, along with the European Union, remains a steadfast supporter of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, which provides significant relief to the people of Gaza and to the people of Palestine more generally.

On the international developments, the US engagement with Israel has not been helpful in bringing a resolution to this or in moving this into a space where it could gain momentum and get a genuine engagement from all sides towards a two-state solution. That is a concern of ours.

On Deputy Boyd Barrett's points, we take a non-partisan approach to elections in other countries, particularly in other democracies. I recently spoke on the phone with Mick Mulvaney, President Trump's special envoy for Northern Ireland and I spoke to Representative Richard Neal of the Congressional Friends of Ireland. Both of them were still concerned about the situation here with Brexit and so on. We speak to both sides of the aisle on a continuing basis and we do not interfere in the electoral contest itself. I met former Vice President Biden some years ago at a breakfast event. He is proud of his Irish heritage and has a great love for this country. We will continue to work consistently with both sides of the aisle in the United States' political system and that will not change.

**Deputy Mary Lou McDonald:** As the Taoiseach noted, the threat of the further annexation of Palestinian land has been suspended but it has not been definitively taken off the table. As the Taoiseach is also aware, the state of Israel is additionally and in any event consistently in breach of international law. It is the essence of what we might call a rogue state. We want to get to a solution. I want Ireland to be as constructive and helpful as possible in that regard and at times that means we have to lead from the front.

As the Taoiseach knows, the Oireachtas has agreed on a position that we should recognise the state of Palestine. The Taoiseach needs to do that. He needs to honour the decided verdict of the Oireachtas on that matter. That would be of help in unlocking the situation and for us, in our own way, to lead from the front in respect of the two-state solution. The occupied territories Bill, which the Taoiseach and his political party supported, should not have been offered up on the altar of political expediency to cut a deal with Fine Gael, which did not support that legislation. Fine Gael may have been unique among parties in the Oireachtas in not supporting that legislation. I propose the recognition of the state of Palestine and advancing and enacting the occupied territories Bill as concrete ways and contributions to what the Taoiseach states he wishes to see, namely, a resolution of the Palestinian question and the achievement of that two-state solution.

**Deputy Richard Boyd Barrett:** I know the Taoiseach will not be as explicit as I might be about Trump but I am asking the Department of the Taoiseach to be careful not to inadvertently offer any public relations opportunities to Donald Trump between now and November. That is what I am urging because he is a danger to the whole world. Whatever I may think about Biden, this guy is a threat to democracy.

On Palestine, I agree with the call to support the occupied territories Bill and for the recognition of the Palestinian state. I want to point out to the Government, to Sinn Féin and to others that there is a contradiction between saying that we do not interfere with the politics of other

states and pinning our colours to the mast of the two-state solution. Palestinians are divided about a two-state and one-state solution. In this country, we completely reject two-state solutions. It is called partition, we reject it and we recognise that partition was a disaster. Why would we support, as a matter of principle, the continued partition of Palestine when there is a very valid argument from many Palestinians that the solution to the conflict in Palestine is to have a single state where one's religion or ethnic background makes no difference and where one is treated equally? That was the historic position of the Palestinians. They conceded that under pressure from the Israelis and since they have done so, the situation has been a disaster. The two-state solution has not worked and is not now even viable but it copper-fastens partition on ethnic and religious grounds. The Taoiseach may agree or disagree with me but we should not fix our mast to the position of two states because it is dangerous. We should look at Lebanon, where there were similar arrangements and it turned out to be a disaster for the whole history of that state. The people of Lebanon are now saying they cannot have these institutionalised sectarian partitions. I put it to the Taoiseach that the same point applies to Palestine.

**The Taoiseach:** On the recognition of the state of Palestine, we have made it clear in the programme for Government that we will honour our commitment to recognise the state of Palestine as part of a lasting settlement of the conflict or in advance of that when we believe that doing so will progress efforts to reach a two-state solution or protect the integrity of Palestinian territory.

On practical support for the Palestinians, it should not be forgotten that Ireland provides significant levels of development and humanitarian assistance to meet the needs of the most vulnerable Palestinian men, women and children. In 2020, this support will amount to €16.2 million in total and in light of the threat posed by Covid-19, the Government has expedited this year's funding to agencies and civil society organisations working on the ground with the Palestinian people. One of our main partners on the ground is UNRWA and we will provide €7 million this year to support its vital work in providing education, healthcare and humanitarian relief to approximately 5.6 million registered Palestinian refugees in the occupied Palestinian territories, Jordan, Syria and Lebanon. We are also providing funding to the Palestinian Authority's Ministry of Education and Higher Education; the United Nations Office for the Coordination of Humanitarian Affairs; the West Bank Protection Consortium, which works to deter demolitions on the West Bank and civil society organisations advocating for human rights and peace. We continue to provide humanitarian assistance to alleviate the worst of the suffering in Gaza, including through our support for UNRWA, which provides a lot of public services, such as health and education, in Gaza.

Deputy Boyd Barrett raised an important point on the question of a one-state or two-state solution. It seems to me that the general consensus internationally and the European position have been in favour of a two-state solution. That said, the continued policy of annexation and settlements makes that a difficult prospect into the future and it would seem to me to be in the best interests of all to create a momentum behind what many people think is the practical and realistic idea of a two-state solution.

### **Departmental Functions**

3. **Deputy Alan Kelly** asked the Taoiseach if he will report on the protocol and general division of his Department. [18557/20]

**The Taoiseach:** The protocol and general division of the Department of the Taoiseach has responsibility for State protocol, including protocol for the Taoiseach and the Government. This involves the organisation and co-ordination, in conjunction with relevant stakeholders, of State and official functions. Such functions include the annual Easter 1916 commemoration, the National Day of Commemoration and State commemorations arising from the decade of centenaries from 2013 to 2023, presidential inaugurations, State funerals and inward visits from Heads of State or Government.

The programme of structured dialogue between the Government and churches, faith communities and non-confessional organisations is facilitated by the division. The division is the liaison on administrative matters between the Department and the Office of the Attorney General, the Chief State Solicitor's Office, the Office of the Director of Public Prosecutions, the Law Reform Commission and the Moriarty tribunal. The division is responsible for liaison with the Office of the President. It supports the Taoiseach's functions relating to the Constitution, including its formal enrolment and publication. The division also provides secretariat support to the interdepartmental group on security of Ireland's electoral process and disinformation.

**Deputy Alan Kelly:** That is exactly what it says on the website.

**The Taoiseach:** Why did the Deputy ask the question then?

**Deputy Alan Kelly:** I asked the question because I wanted to raise certain matters. Is that not why one always asks questions? Has the role of the division changed in any way since the Taoiseach has taken up office? Are there any changes the Taoiseach wants to bring about in this area of his Department? How is the section dealing with the fact that we now have another aide-de-camp traversing the country on behalf of the Tánaiste? Who requested this aide-de-camp and how much is it costing? What is the protocol for using this aide-de-camp? As none of this information is public, the Taoiseach might enlighten us as to why this aide-de-camp was requested, who made the request, how much this is costing and what the protocol is for the aide-de-camp role? Did the section have any role in suggesting another aide-de-camp was necessary? Did it have a role in making recommendations as regards protocols beyond that, particularly now that we have another Minister with a Garda driver? Has the role changed? Has the protocol division changed? As I outlined, some practical changes have taken place. How is this going to work?

What is being done with regard to protocol for parity of esteem for the three party leaders? Have there been changes in that respect? The Taoiseach referred to that several times so there must be changes.

The protocol section is also responsible for official events. As we know, the proposal in January to commemorate the Royal Irish Constabulary, RIC, caused a complete mess. What is being done to prevent such a mess occurring again? Will the Taoiseach provide a list of proposed events and commemorations for the rest of 2020 and 2021? That would come under that section of the Department as well.

**An Leas-Cheann Comhairle:** Deputy Boyd Barrett would like to contribute.

**Deputy Richard Boyd Barrett:** The protocol and general division deals with relations with the religious bodies. I appeal to the Taoiseach, through this division, to engage urgently with the Sisters of Charity and the Catholic Church generally on a scandal in the St. Mary's centre, a nursing home that also provides assisted living housing for people with blindness,

visual impairment and disability. In a Debenhams-style, cynical, tactical liquidation the Sisters of Charity's wholly-owned subsidiary, set up by the order, has already liquidated the Caritas convalescent centre and representatives of the subsidiary are in the High Court as I speak trying to liquidate the nursing home, which provided for 50 residents. Social housing was also specifically provided for those with blindness and disability. By the way, that was originally financed by Dublin City Council but then outsourced to the Sisters of Charity - that makes me laugh - which is now dumping these vulnerable people and all the workers on the scrapheap, while hiding behind company law. The workers are in the High Court trying to resist this move, but they are up against high-powered barristers. We have to stop and remember that the Sisters of Charity, which is doing this, is supposed to be a religious organisation. These organisations and the services provided are funded by taxpayers. This cannot be allowed to happen. I ask the Taoiseach, through his Department, to crack the whip on these religious organisations.

**Deputy Mary Lou McDonald:** Continuing on that theme, it is not only the representatives of the Sisters of Charity that the Taoiseach must speak to regarding these workers from St. Mary's, St. Monica's and the Caritas convalescent centre, but also the HSE. Many of these workers have given decades of service and worked right through the Covid-19 pandemic. They were front-line workers who were applauded, if the Taoiseach remembers. By the way, a decade ago when their wages were being cut, there was no doubt or debate about who was the employer of these workers. They felt the full weight of the economic crisis then, but not that they find themselves in the middle of this calamity, they are like orphaned employees. The HSE does not want to know and the Sisters of Charity order does not want to know. The really awful part of this, in addition to the gross personal insult to these workers and the giving of the lie to all the proclamations of admiration for front-line workers, is that this will mean some 200 beds being lost to the system. This is happening when we know we are facing into very difficult times with the flu season, Covid-19, etc.

I wrote to the Taoiseach regarding this matter. I have also written to the Tánaiste and to Mr. Paul Reid, CEO of the HSE. There must be an intervention in this case. It is unacceptable on every level. Whether that fits neatly into the ambit of this protocol section of the Department of the Taoiseach is an academic matter, as far as I am concerned. The Taoiseach, as Head of Government, needs to act on this matter.

He might also set out for us the peculiar set of circumstances pertaining to the Minister for Foreign Affairs and Trade, Deputy Coveney, acquiring a Garda driver. We got some sense of that before we rose for the summer. If that is the idea of a three-stranded Government working together in harmony, God help us when we see division.

**The Taoiseach:** The question asked by Deputy Kelly related to the protocol and general division of my Department.

**Deputy Alan Kelly:** The Taoiseach should answer all the components of the question.

**The Taoiseach:** I am.

**Deputy Alan Kelly:** That is fine.

**The Taoiseach:** They are not components of the protocol division. Let us be clear about that.

There has been no change to the protocol division. There have been no additional staff pro-

vided and the section continues the work that Deputy Kelly and I know it does in organising, on behalf of the State and the Government, various events such as centenary commemorations. Regarding the aide-de-camp to the Tánaiste, there have been two occasions when the aide-de-camp has been used, namely, on 28 June at a wreath-laying ceremony for the Connaught Rangers at a memorial in Glasnevin Cemetery and then 11 July during the Tánaiste's attendance at a vigil to mark the 25th anniversary of the Srebrenica genocide in the Millennium Park in Blanchardstown. Those are the two occasions on which the aide-the-camp has been used since his appointment.

The aide-de-camp has been assigned to the Tánaiste to carry out duties and assignments required by the office of the Tánaiste, primarily relating to State ceremonials. My understanding is that the Tánaiste requested that. Ten staff are currently assigned to the protocol and general division, of which six are full-time and the remaining staff work part-time. No additional staff have been assigned to the protocol and general division to provide support to the Tánaiste.

Turning to events planned, in respect of the centenary, the then Minister for Culture, Heritage and the Gaeltacht, Deputy Madigan, on 2 January last announced a significant decade of centenaries programme for 2020, including a major commemorative programme in remembrance of the significant events that occurred in Cork city and throughout Cork county in 1920, not least the burning of Cork city. Work is ongoing on the programme, which includes a State ceremonial in November to reflect Cork's contribution to the struggle for independence. As with all event planning now, however, elements of the programme are being significantly re-configured and rescheduled to comply with Covid-19 guidelines. I refer in particular to restrictions on mass gatherings and social distancing. Hopefully, we will be able to have the event to remember Cork's contribution to the national struggle. I know Tipperary will give way in that regard.

**Deputy Alan Kelly:** It is fine, we already had Soloheadbeg. We are ahead of Cork.

**The Taoiseach:** Hopefully, people can learn in an insightful way from how the commemorations have been planned and developed.

The protocol division does not have a role regarding the Sisters of Charity. What is happening in this regard is unacceptable, however. We are in the middle of the Covid-19 pandemic but, overall, this points to a need, over time, for the State to review fundamentally how we provide services, particularly for those with special needs and adults with disabilities, and how we can secure and give certainty and guarantees to people in settings such as this one. This is an historical legacy. Down through the decades and since before the formation of the State, religious organisations provided a variety of services. Increasingly, that is coming under strain. In more modern times, both lay and religious organisations in this area have been termed section 38 and section 39 organisations. That will not be satisfactory in the future.

*4 o'clock*

For special needs education, such services can refuse to accept primary school children or open new places in their schools for a variety of reasons. That limits the State's capacity to help children who urgently need places. A more State-centred approach is going to be required in the future to provide places, particularly for those with special needs and disabilities. That will take some time and, in the interim, it seems to me that certainty has to be secured from existing providers regarding such services because the type of situation the Deputy outlined creates

enormous difficulties for residents and workers. Legally, the State has limited entitlement to intervene and stop what is happening but, that said, I will talk again to the HSE and Paul Reid about this matter to see what can be done.

**An Leas-Cheann Comhairle:** The Taoiseach should allow some time for Deputy Kelly to respond.

**Deputy Alan Kelly:** I thank the Taoiseach for his comments. I agree with him in the broader sense that we must change the whole system in respect of how the State provides such services and that will take time but we must also do something now. The behaviour of the Sisters of Charity means that we must put pressure on them through whatever levers we have at our disposal. It is outrageous. The people in question were lauded a couple of months ago and are now being treated disgracefully. That is not acceptable. The way in which we as a State have handled our relations with this organisation and others down through the years, not under the Taoiseach's watch, beggars belief. We need to ensure that the owners of institutions that provide services respect what they are undertaking and cannot just leave or disrespect workers with that service provision disappearing and that capacity lost to the system. That is not acceptable. We need to be much tougher and more direct with them. We should leverage everything we can to get a much more satisfactory outcome.

I asked a specific question about a change that has been made to the protocol and the Taoiseach mumbled something under his breath. There is now an aide-de-camp for the Tánaiste. Who requested that? How much is it projected to cost?

**An Leas-Cheann Comhairle:** The Taoiseach will not have time to respond to the question unless the Deputy allows him to answer.

**The Taoiseach:** I agree with the basic point that the Deputy made about Caritas and the Sisters of Charity where workers are being left in an impossible situation. Many groups have provided very good services down through the years but it is my view that the State needs to step up and do more over time.

It is my understanding that the Tánaiste requested an aide-de-camp.

**Deputy Alan Kelly:** What is the projected cost of that?

**The Taoiseach:** I do not have the projected cost. There is no additional overall cost to the protocol.

## **Legislative Programme**

4. **Deputy Alan Kelly** asked the Taoiseach his plans for legislation from his Department. [18558/20]

**The Taoiseach:** The Government legislative programme is currently being finalised and will be published by the Government Chief Whip next week. It will set out the Government's priorities for the autumn reflecting the ambition for legislative change set out in the programme for Government. The forthcoming legislative programme will include no Bills in preparation in my Department as there are no legislative matters that require to be prioritised at this time.

My Department will continue to play a central role in supporting effective co-ordination and prioritisation of policy and legislative developments across government through Government meetings and Cabinet committee structures and the Government legislation committee chaired by the Government Chief Whip.

**Deputy Alan Kelly:** I have heard the Taoiseach speak an awful lot about the legislative programme and the requirement to ensure that it is robust. However, as we spoke about earlier, there has been no discussion within these four walls on promised legislation because we do not have a legislative programme. It is a contradictory position. We cannot debate promised legislation in the Dáil because the Government has not published the programme.

I also heard the Taoiseach say frequently that he did not want the Dáil to come back only to debate specific matters and that we needed to debate legislation. The Taoiseach kept repeating that when other Deputies were calling for the Dáil to come back. We are back but we do not have a legislative programme. When will the programme be published? There must be a sense of urgency on this. A considerable volume of important Bills has been put forward by many Members. I would ask that the Government and the Taoiseach take the content of some of those Bills on board. On what is the Chief Whip working? What are the Government's priority Bills? There has been a significant volume of emergency legislation but it is not good practice to live on pushing through emergency legislation. Foresight is needed. Rushed legislation is not always the best legislation. What are the Government's priorities?

I very much want the Taoiseach to tell me his views on a number of matters. The programme for Government contains a commitment to a raft of legislation relating to the disability sector in which I am interested. What is the Government prioritising in this regard? I drafted and sent to the Minister the Civil Liability (Amendment) Bill 2018, which emerged from the Ruth Morrissey judgment. Where will it fit in the Government's schedule? The Minister has already told Vicky Phelan and the 221+ support group that he will look to prioritise that legislation. Where will it fit into the schedule?

There is an absolute need to legislate for sick pay in the middle of a pandemic and I have outlined the importance of that to the Taoiseach on numerous occasions. Where will it fit into the legislative schedule?

**Deputy Mary Lou McDonald:** We have proposed legislation in respect of enhanced *force majeure* leave to facilitate the situations that Deputy Kelly has envisaged whereby people are prevented from attendance at work for health reasons. It would surely be a travesty if people felt pressured into going to work simply for financial reasons. This is a matter of some priority.

Does the Taoiseach agree with the proposition from his colleague in government, Deputy Eamon Ryan, that two-for-one specials enjoyed by shoppers in supermarkets and shops across the country will be banned? It is also proposed that levies and taxes will be placed on what Deputy Ryan has described as "cheap clothing" and that families and individuals will be fined for not separating their waste. I am sure we all understand that there are big challenges in terms of our environment and waste management practices but the answer is not to target and disadvantage the very households that have borne the brunt of the Covid-19 crisis and lost jobs and income. Such households struggled to get their kids back to school last week and will struggle to have a decent Christmas. I put it to the Taoiseach that the propositions coming from his Government colleague, Deputy Ryan, are wholly unacceptable and, frankly, off the wall and demonstrate that he leads a Government that is not just chaotic but is entirely out of touch with

the day-to-day realities faced by ordinary families. I ask him to have a word with his colleague, ask him to remove those proposals and put a stop to this.

**Deputy Richard Boyd Barrett:** I raised the problem I have with Questions on Promised Legislation being taken off the Dáil schedule on the Order of Business. While the Government might not have a legislative programme, there is a programme for Government, which contains commitments regarding various legislation, some of which has been rightly described by Deputy McDonald as “off the wall”. We need answers to be given in the House about when those proposals will come forward.

Taxi drivers have been hammered during Covid-19, are unable to make a viable living and now face cuts to their pandemic unemployment payments. I have repeatedly asked questions on their behalf. They are doing a drive-by protest, which I hope will be big, to the Dáil next Tuesday. They are looking for the assistance of the Government and to add insult to injury, the Minister, Deputy Eamon Ryan, has said they have to get out of the bus lanes, as if they are not part of the public transport network. Does that require legislation? Is legislation planned in order that taxi drivers are no longer considered part of the public transport system?

It is kicking taxi drivers when they are down. Is that legislation coming forward? I hope the Taoiseach will tell the Minister, Deputy Eamon Ryan, that is not acceptable. Rather than kicking the taxi drivers when they are down, I hope he will listen to some of the demands they have made and try to help them through this extremely difficult period.

**An Leas-Cheann Comhairle:** I am trying to be fair to the people who put the questions to the Taoiseach.

**Deputy Richard Boyd Barrett:** Sure.

**The Taoiseach:** I thank Deputies for their comments. The Dáil was due back on 15 September and we passed legislation last week, the Criminal Justice (Enforcement Powers) (Covid-19) Bill.

**Deputy Alan Kelly:** Yes, all emergencies.

**The Taoiseach:** I said I wanted a Bill put before the House and one was put before the House. The Government’s public legislation programme will be published next week, on 15 September, as is always the case. Deputy Boyd Barrett is correct. There is a programme for Government. There are three substantial Bills, including the climate Bill, which we said we would publish within 100 days as key and substantive piece legislation to deal with the climate change agenda.

I know some people opposite me may not have the same enthusiasm with regard to climate change because every time anything comes up in regard to it, be it renewable energy or carbon, Deputies will always oppose it and then pronounce that they are for climate change. That is politics.

**Deputy Mary Lou McDonald:** I think the Taoiseach means against climate change and for climate justice. One cannot be for climate change. That is what he said.

**The Taoiseach:** I meant climate change alleviation policies.

**Deputy Mary Lou McDonald:** Climate justice is a better concept.

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**The Taoiseach:** I have noticed a consistent trend of being populist on these issues.

**Deputy Mary Lou McDonald:** It is not populist; it is good science.

**The Taoiseach:** Sorry?

**Deputy Mary Lou McDonald:** It is good science.

**An Leas-Cheann Comhairle:** Taoiseach, if you could just answer the questions please.

**The Taoiseach:** I answered the question. In terms of climate change, the marine development Bill is important and significant. There is a lot of work to be undertaken on that. I know the Tánaiste is looking at the issue of sick pay, which was raised last week in the Dáil. That also relates to our PRSI system, and the Government is reflecting on that in terms of the wider debate around pensions and provision for workers more generally when they are made unemployed to try to reduce the cliff fall for many people whose incomes have substantially reduced.

The Government moved very effectively to protect workers through the pandemic unemployment payment, which will continue right up to next year, as well as the employment wage subsidy scheme, which has been acknowledged as being an effective intervention to protect workers, jobs and enterprises. That needs to be acknowledged. The deficit this year could be in the order of €25 billion, which in itself reveals an unprecedented and unique intervention. The July stimulus was that.

I wish to point out that 11 items of legislation were passed in July. I cannot remember a Government that was formed in my lifetime that produced 11 Bills within a month. That has to be acknowledged. There is no paucity or dearth of legislation emanating from this Government. We will publish a legislative programme for the Dáil on 15 September. I will come back to Deputy Kelly at that point on his proposals on the Civil Liability (Amendment) Bill. These are proposals that have to be worked up and worked through.

As for the waste strategy to which Deputy McDonald referred, it is a strategy for discussion and debate. There is no immediate specific proposal around any of the items she identified. I think she probably knows that. Nothing has come from the Government on two-for-one offers or any of the other issues she raised.

On Deputy Boyd Barrett's points, I will discuss these issues with the Minister for Transport, Tourism and Sport. He is not out to kill or get anybody. The Deputy knows the Minister. He is not that type of individual. He is open to dialogue and engagement. There are various utilities and State agencies doing different things. I take his point. We have been trying to support different sectors of the economy on an ongoing basis. We have done that in respect of quite a range of sectors. The pandemic supplement was available to taxi drivers but I acknowledge that they are facing other issues.

**Deputy Alan Kelly:** I thank the Taoiseach for his answer. I for one will welcome the climate legislation that is being brought forward as the Minister who brought in the original climate legislation in the Dáil and signed the COP agreement.

In the limited time left, I urge the Taoiseach to deal with the issue of sick pay and parental leave for the parents of children who will end up out of school. It is a small thing and can be dealt with pretty easily. Sick pay has to be dealt with. We have put forward a Bill. I do not mind if the Government changes it and brings forward its own but I ask the Taoiseach to priori-

tise it. It is a necessity. It is wrong that we are one of only five countries in Europe that do not have it in the first place but during a pandemic, it should not be a choice between going without pay or going into work.. It should not happen.

On cervical cancer, I urge the Taoiseach to act for many reasons, given the false commitments and promises made, sometimes accidentally, by his predecessor in regard to the women affected. The Ruth Morrissey judgment changes everything. I was almost alone in the House in opposing the State challenging the judgment. The State lost. Ruth has passed away. Her legacy should be an amendment to the Civil Liability (Amendment) Bill which the Chief Justice has recommended. I ask the Taoiseach to please prioritise this. I have also drafted that proposal and I honestly do not mind if the Government changes it as long as the outcome is the same.

**An Leas-Cheann Comhairle:** We have run out of time. There are a few seconds left if the Taoiseach wants to answer the questions.

**The Taoiseach:** Next week, we will publish the legislative programme.

**Deputy Alan Kelly:** That is why I asked questions this week.

**The Taoiseach:** I have no issue with that. I take on board what Deputies have said in terms of legislative proposals.

**An Leas-Cheann Comhairle:** I thank Deputies for their co-operation.

### **Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions**

*Note: Ministerial and Departmental titles have been updated in the Question text in anticipation of the relevant Government orders to give legal effect to the Taoiseach's announcement in Dáil Éireann on 27 June 2020.*

#### **School Attendance**

22. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration if schools will still be required to submit biannual student absence reports to Tusla for student absenteeism over the 20-day limit; and if he will consider an exemption due to the public health emergency that includes illness and or suspected contact with a person with Covid-19 which would require a period of self-isolation. [22336/20]

**Deputy Kathleen Funchion:** I thank the Leas-Cheann Comhairle. My apologies as I thought that a cleaning session was under way and I was unsure as to whether I should come into the Chamber or not. These are the joys of Covid-19.

My first question relates to the Tusla rule relating to the 20-day limit. Will the Minister consider even a temporary exemption due to the public health emergency that includes illness and-or suspected contact with a person with Covid-19, which would require a period of self-isolation?

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**Minister for Children and Youth Affairs (Deputy Roderic O’Gorman):** As schools have been reopening, Tusla’s education and support service, TESS, has been engaging with families to provide advice, support and encouragement for students as they return to school recognising that this is a significantly different environment for many children and young people. Under the Education (Welfare) Act 2000, schools are obliged to maintain a record of the attendance of students and are required to refer cases to TESS when a student misses more than 20 days at school, as the Deputy referred to in her question.

To ensure no student is missed, TESS is asking all schools to submit a once off Covid-19 return to be completed by the end of September. This return will identify any students who have not returned to school, despite the intervention of school personnel and TESS staff. TESS has advised my Department that schools will continue to be required to submit biannual student absence reports during the 2020-21 academic year. Schools will record all absences as normal, with the only exception being in the cases of students who are medically certified as being at very high risk of Covid-19, and hence cannot attend school.

As per the guidance produced by the Department of Education and Skills, students deemed very high risk will be supported by their schools to continue their education at home and if the student is engaging with learning at home, he or she will be marked present. Where students are absent for legitimate Covid-19-related reasons, TESS will work with schools, students, and their parents to support them as required as schools return. TESS has issued a letter and a video to all principals explaining how this process will operate.

In all other circumstances where a student’s absence is explained, for example, with illness or quarantining due to Covid-19, the school will be informed by the parent or guardian and the school will note such absences as explained when completing the biannual report to Tusla.

Both Tusla and TESS are very mindful of the need for a supportive approach to all children and families as schools reopen and will adopt a fair and balanced approach to its assessment of absence, ensuring close collaboration with all schools.

**Deputy Kathleen Funchion:** I thank the Minister and the Leas-Cheann Comhairle. I welcome this answer because I have been contacted by many parents about their concerns on this issue. Everybody wants to do the right thing and this is a nervous and anxious time. It is also a good time to see the schools reopening and for parents to see children return, which I welcome as a parent. There are concerns about trying to do the right thing by keeping children at home and not to introduce even more bugs, even if it is something mild that one would normally send children to school with. People were afraid that they might be penalised. There is the fear that one might get a letter. It is a scary prospect that Tusla might be contacted regarding one’s children. Can the Minister confirm that if children are out of school due to Covid-19, quarantine, or as a precaution, that there is a section for that to be explained and that this will not be an issue for parents?

**Deputy Roderic O’Gorman:** I am happy to confirm that. We double-checked that with Tusla and TESS today in advance of addressing the Deputy’s question. Where an absence is explained due to a Covid-related reason, that will not count towards the 20 days. The Deputy is correct that parents are nervous as this is such a different environment but when one looks at how the education and welfare service worked over the years, its approach is to try to bring parents on board and to get students into class, if at all possible. The Deputy will be aware that the number of school attendance notices issued every year is small compared to the overall number

of engagements undertaken by TESS and that the number of prosecutions that are brought forward is even smaller still. This is indicative of the harmonious approach that TESS operates.

**Deputy Kathleen Funchion:** I will make a brief response because, in fairness, the question has been answered. I understand why that rule is there and I generally support it because many children have the potential to fall through the cracks and this rule is in place to identify that. Given that we are in such strange and unusual times it is good to see that a common sense approach, something I often refer to in this Chamber, will be applied in this instance and I thank the Minister for that.

**Deputy Roderic O’Gorman:** This is a common sense approach. We are carrying out the September audit of who is attending because research undertaken by my Department over the past number of months has shown that there is a real potential for impact of the three and half months spent out-of-school on children generally but, particularly, on children with special educational needs and from disadvantaged backgrounds. That is why it is so important, as we have this transition back to school, that TESS keeps a particular eye out for children who are perhaps most vulnerable. Rather than waiting for the biannual report audits to come in, we are doing the September audit to flag up if there are certain groups of children who perhaps might be falling through the cracks and to allow the home-school liaison officers or school completion programmes to kick in there to bring them back into the school.

### **Covid-19 Tests**

23. **Deputy Sean Sherlock** asked the Minister for Children, Disability, Equality and Integration if his attention has been drawn to recent reports that delays in Covid-19 testing is having an impact on the ability of childcare providers to adequately provide services; and if he will make a statement on the matter. [22636/20]

**Deputy Sean Sherlock:** I have witnessed a degree of anxiety on the part of professionals working in the childcare sector, when they have to be tested for Covid-19, regarding the time it is taking them to get tests in some instances, and then to attain the results. This is worrying for themselves personally, but also where they are reasonably confident of a negative test outcome, as they may be out of circulation for a considerable period, which is understandable. What is the Minister’s perspective on establishing a protocol that would allow for the earliest possible testing to be carried out in sectors that are dealing with children, specifically, schools and the early years care providers?

**Deputy Roderic O’Gorman:** I thank the Deputy. First, I commend the early learning and childcare sector on the fact that 94% of services that normally open during the summer, did so again this year. This is despite the very many challenges Covid-19 created.

Our preliminary information is that the level of term-time services reopening over the past two weeks is also extremely high. This involved a major commitment by providers and childcare professionals to children and their families. I applaud their work in that context.

It is important to note that testing and contact tracing are matters primarily for the Department of Health and the HSE. The HSE has advised that turnaround time on testing and tracing is well in line with international practice.

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I fully recognise that the timeliness of testing and tracing is important for our childcare services, where specific adult-child ratios are mandated by the regulations. With this in mind, I have raised the issue of prioritised testing for the childcare sector directly with the acting Chief Medical Officer. My officials have also raised it with the HSE. The HSE advises that it is difficult to prioritise any particular group and its aim instead is to speed up testing for all sectors and citizens.

My Department will continue to keep this matter under review and will continue to liaise with the Department of Health and the HSE as required. My Department is also liaising with officials in the Department of Education and Skills to ensure approaches in both sectors are aligned.

We have some reports from the sector of recruitment difficulties but we have no clear indications of widespread staff shortages due to testing delays. Both myself and my officials will continue to engage regularly with representatives of the sector to ensure that we have up-to-date information and we are looking at any evidence of any difficulties that might be experienced by the sector.

**Deputy Sean Sherlock:** I thank the Minister for his reply. I appreciate that there is an ongoing engagement between him and NPHET as to the prioritising of testing for those people who are working with children. I reiterate the call that such priority could be given. Nobody in society will oppose the idea of prioritised testing where people are working with children. I also seek the Minister's perspective on the fact that there is no sick pay scheme in place for workers within the childcare sector. The absence of such a sick pay scheme has a bearing on whether somebody will decide to stay in employment and it poses a certain risk. Given that the Minister is proactive in respect of engaging with NPHET on the prioritised testing, I would be grateful to know whether he is giving consideration to, for instance, SIPTU's campaign for a sick pay scheme for those people currently working within the sector.

**Deputy Roderic O'Gorman:** I thank the Deputy. On the point about testing, I will continue to engage with the acting Chief Medical Officer and the HSE. Again, I am working in the context of NPHET advice and that objective to increase the general level of testing but also to get the response in the tracing time down as quickly as possible. The statistics out today show that, certainly in the past week, we are upscaling the amount of testing that is taking place nationally, which is welcome for all sectors of society. However, I take on board the Deputy's point about the particular concern to ensure we have measures in place for children in terms of their vulnerability.

I take on board also what the Deputy said as regards the issue of sick pay. In the first two or three weeks in the role I met representatives of SIPTU. They did not flag the sick pay issue with me that day. I know it is coming in a submission and I look forward to engaging with that submission.

**Deputy Sean Sherlock:** Again, I welcome that the Minister is proactive in respect of engaging with the stakeholders. We know that 79% of early years professionals do not have a sick pay scheme at work. People may not make the link between testing for Covid-19 and a sick pay scheme but if there is a sick pay scheme *in situ* that is embedded within the system, it gives comfort largely to parents who we are talking about across the sector. There is a Labour Party Bill on a sick pay scheme for all workers but for this sector in particular, it gives comfort to the professionals working within it that they can avail of such a scheme if it were available.

As I said, 79% of early years professionals do not have a sick pay scheme at work. If we are talking about continuing professional development, CPD, and embedding more formalisation of the sector in Irish society, this has to become one of the bulwarks for ensuring that workers are looked after.

**Deputy Roderic O’Gorman:** I thank the Deputy. We are all aware of the high turnover in that sector and statistics released yesterday highlighted that. I know they are for 2015 but, nonetheless, they are concerning as regards the overall sector. This is probably one element of creating the uncertainty that exists in the sector. We are undertaking a workforce development plan and, as the Deputy said, greater professionalisation and giving those entering the workforce here the idea that there are long-term careers and that they will be supported is important, and sick pay is obviously a key element of that support. I might seek another meeting with SIPTU specifically on the issue of sick pay again. What it brought to me at that earlier stage was of a broader nature but I am certainly willing to look at it, obviously within a wider budgetary context under which we are all operating.

**Deputy Sean Sherlock:** It is the sting in the tail.

**Deputy Roderic O’Gorman:** That is the sting in the tail but it is the context in which we know we are all operating. It is to ensure that we have those solid protections for childcare professionals who, as we have seen over the summer, have gone above and beyond to get childcare reopened during that period.

### **Early Years Sector**

24. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration if clarity will be provided on the overage exemption for the ECCE programme; and the reason there is such a high level of refusals for this exemption which causes a lot of anxiety for families. [22704/20]

**Deputy Kathleen Funchion:** This question relates to the overage exemption for the ECCE programme and asks the Minister to give some explanation for the high level of refusals for this exemption, which causes a great deal of stress and anxiety for families looking to take it up.

**(Deputy Roderic O’Gorman):** I greatly appreciate the anxiety of parents who seek an overage exemption from the early childhood care and education, ECCE, programme for their child.

Overage exemptions for ECCE are provided by my Department and are governed by three guiding principles: first, a specialist has recommended the additional time in ECCE; second, the child will not reach six years of age before beginning primary education, in line with the Education (Welfare) Act 2000; and, third, if a child has already availed of the full two years of ECCE, he or she will not be eligible for a further year.

Where an application does not fulfil these criteria, the application will be declined.

The primary reason for refusal of an overage exemption this year was that the child would be older than six when starting school if the exemption had been provided.

The National Disability Authority conducted a review of the way in which my Department

and the Department of Education and Skills were applying the overage exemption in 2018. The authority's report concluded that the approach being taken by my Department was in the best interests of the child.

The National Disability Authority found that children with disabilities were better served by starting school with their peers and progressing to secondary school with their peers.

It is important to note that the overage exemption for the ECCE programme was never intended as a mechanism to delay a child's entry to primary school or to address issues to do with the availability of school places.

The overage exemption was developed when ECCE was a one-year-only programme and where the significant resources that come with the access and inclusion model, AIM, did not exist. All children now have the option of two full years of ECCE with a wide variety of AIM supports that are available.

I would encourage parents of children attending ECCE to discuss any concerns they might have as early as possible with the provider and with the AIM Better Start team. Details about the access and inclusion model can be found on the *aim.gov.ie* website if parents want more information.

**Deputy Kathleen Funchion:** I thank the Minister. Is it the case then that once the two years is completed, regardless of the other circumstances, that child will not be eligible for the overage exemption? I could be wrong but until now, that was not my understanding of it. I thought it was supposed to be available mainly for children who might have additional needs or who might be struggling. As we all know, the waiting times now for assessments and various therapies have become ridiculous. In many cases, the services and a specialist are saying that the child could benefit from the overage exemption but they are still not getting it. One of the criteria mentioned was if they have done the full two years. If they have done the two years, why is that in place at all if they are not going to be eligible for it? I am dealing with a particular case in Carlow where this overage exemption is really needed but those concerned have met with a brick wall on it. I appreciate what the Minister said about moving on, the access and inclusion model, AIM, and so on but in certain situations it is both the provider and the parents, and perhaps a specialist, who are saying this would really benefit the child yet there does not seem to be any give on that. I am sorry. I did not realise the time. I will come back in on that.

**Deputy Roderic O'Gorman:** I thank the Deputy. On the origin of the exemption, when the ECCE programme was just a one-year programme there were certain children who, because of their particular needs, would not have been able to avail of the full five days so they ended up taking three. We allowed them to take it then over two years. I believe that is the origin of the two-year rule in that particular situation but I will double-check that and revert to the Deputy on that specific point.

It is worth noting, from my Department looking into this to address the Deputy's question, that the main reason for the refusals this year is that the children would end up attending school over the age of six. That is the key reason, and that is set out in the Education (Welfare) Act.

**Deputy Kathleen Funchion:** I raised this question because a huge number of people contacted us in recent weeks about it. I have often dealt with queries about the overage exemption and I have to say that, to date, I do not know one person who has got it. I might have been unlucky with the cases I have been dealing with, in that people have not got it. It seems to be the

case that if it is available parents feel they might be able to qualify for it but when we look at the criteria it appears that, technically, nobody will qualify under that. I appreciate the Minister will check it but could it be reviewed, even in the context of this year? Although the school year and the ECCE scheme have started, could the criteria be reviewed given that so many children did not have the two or three months of preschool because everything closed down on 12 March or 13 March? Maybe they were going to benefit from an additional year anyway but, given the situation we are in now, could the scheme be reviewed? If possible, I would like to send the Minister the details of the case in question.

**Deputy Roderic O’Gorman:** The Deputy is always welcome to send on representations. I will try to process them as quickly as possible. I know from examining representations I have received from various Deputies that we give a significant number of exemptions. Even in the short time I have been in my role, I have given a significant number of them. I am sorry if the Deputy’s name has not been on those representations.

We are about to undertake a fairly significant review of AIM in general and its application because it is a new programme. The objective is to make sure it is working well. I would be happy, as part of the review, to examine the overage exemption and how it is applied. The review of the application of the exemption will be a higher level review. That is probably the best context in which to undertake a review.

### **Mother and Baby Homes Inquiries**

25. **Deputy Seán Canney** asked the Minister for Children, Disability, Equality and Integration the steps in the process to exhume the bodies at the mother and baby home site in Tuam, County Galway. [21152/20]

**Deputy Seán Canney:** I raise the issue of the mother and baby home in Tuam. It has been the subject of a considerable amount of documentation and reports and all kinds of investigations. I would like to know how the legislation on the exhumation of the bodies is progressing and the arrangements the Minister will put in place to consult the residents and locals who might have had a light shone on them that may not be right for them. They are in such close proximity to the site itself.

**Deputy Roderic O’Gorman:** I thank the Deputy. I am sure he will recall the general scheme of a Bill to give effect to a phased forensic standard excavation at the site of the former mother and baby home in Tuam. It lapsed earlier this year prior to formal pre-legislative scrutiny. It is my intention to seek Cabinet approval to reintroduce this legislation. Following that approval, I will be seeking for the relevant joint Oireachtas committee, on its appointment, to prioritise early scrutiny of the proposed legislation so its recommendations can be taken into account during the drafting process. Once drafted and approved by the Government, I will take the Bill through the Oireachtas so further work required to establish the agency may be advanced. As Deputies will appreciate, the intention of the Bill is to allow for the exhumation and, if possible, the identification of the children interred at the site.

The Office of the Attorney General advises that new legislation will be required to carry this out because of the unique circumstances of the burials and the fact that the current laws would not allow for the Government’s decision to be implemented. Work on drafting the Bill is ongoing in my Department. The general scheme of the Bill provides for the creation of an agency for

a finite duration to manage the intervention at the site, and preliminary work on the establishment of that agency will proceed as the legislation takes its final shape. Once the legislation is in place and the agency has been established, it will procure the expertise required to undertake the works needed at the site.

I understand the delay in all this has been a source of real distress for the survivors of the mother and baby homes and their families. I assure the Deputy that I am committed to bringing forward the legislation to ensure the children interred in Tuam may at last be given a dignified burial.

**Deputy Seán Canney:** I thank the Minister. I stated the important point is that the locals be taken into account in whatever legislation is introduced. People close to the site have spent their years protecting it as a shrine and place of worship. They looked after it when the eyes of the world were not on them. They kept it and maintained it as a sacred place. It will be important, when the legislation is introduced, that we take into account the feelings and wishes of the local residents, whose lives have been disrupted considerably by all that has happened and the publicity worldwide. They feel they need to be consulted and to have their wishes heard. It is important that they be part of the final solution.

**Deputy Roderic O’Gorman:** I thank the Deputy for that. A significant number of people live in very close proximity to the site. I have not yet visited it. I will be visiting it. I hope to do so soon. I understand there are houses and gardens backing directly onto the site. I can only imagine how the attention, controversy and genuine sadness associated with the site have affected them. I am open to the Deputy’s suggestions on how best to engage with residents in Tuam. A pre-legislative process gives us more time to consider how the legislation should be shaped. It will give Deputy Canney and other Deputies representing the area more of a chance to have an input on behalf of their constituents.

**Deputy Seán Canney:** I appreciate the Minister’s concern. I recommend that he visit the site. The former Taoiseach visited it. It was not a big publicity stunt as he made a private visit. If the Minister wishes to visit the site, he should let me know in his own time and I will show it to him. It is important that he visit just to get a sense of the whole place and what is there. It is important that we move along with the legislation as quickly as possible because we need to satisfy the needs of the survivors and those families who have relations buried at the site. It is important that we try to bring closure to this. It is a very sensitive matter. It can be emotional for people so I ask the Minister to treat it with the sensitivity it deserves and to take everybody’s viewpoint into account. The previous Minister, Dr. Zappone, did this. I trust that the current Minister will continue in the same manner.

**Deputy Roderic O’Gorman:** I spoke to the former Minister, Dr. Zappone, a couple of weeks after taking on my role and we talked through some of the key challenges facing me as the new Minister. Dr. Zappone spoke specifically about her visits. I believe she made a number of visits to Tuam. She spoke about the impact on her and advised me to visit. I have also spoken to Catherine Corless and her family. She, too, extended the invitation. I certainly plan to visit.

It is a priority for me to proceed with the legislation, subject to Cabinet approval. Pre-legislative scrutiny was close to being carried out. It was to begin the day the Dáil was dissolved in January. So much has happened since then. I acknowledge the delay is a source of genuine anguish for the survivors and their families. We will seek to expedite the process as much as

we can.

### **Mother and Baby Homes Inquiries**

26. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration when the final report of the mother and baby homes commission of investigation will be published in view of the fact the crucial report for survivors has been delayed several times. [22557/20]

**Deputy Kathleen Funchion:** My question is in a similar vein. I wish to know when the final report of the mother and baby homes commission of investigation will be published in view of the fact that the crucial report for survivors has been delayed several times.

**Deputy Roderic O’Gorman:** I thank the Deputy. I am acutely aware of the importance of the commission of investigation and of how much the report is anticipated by the former residents and their families. The commission’s final report is due to be submitted to me by 30 October 2020. It is important to understand that when the commission submits its final report to me, I will have to address a number of procedural matters before I can seek the approval of the Government to publish it. This will necessitate engagement with the Attorney General, as the Government’s legal adviser, and consequently there will be an interval between the delivery of the report to my Department and the making of the separate arrangements for its publication. No commission publishes its report directly. I am aware that the anguish felt by many former residents of mother and baby homes and their families has been prolonged by the commission’s need for additional time but I believe they understand the commission is investigating very important, sensitive, personal material and actions that took place over the span of 75 years.

It is important to reiterate that the commission is completely independent in the conduct of its investigations. It must act within the terms of reference it operates under and the previous Government, when it granted a number of extensions, was always satisfied the commission endeavoured to conclude its report as quickly as possible. The priority must be to safeguard the substantial work that has been done in order that the commission can comprehensively address and conclude these crucial matters as quickly as possible. I share the desire of all the interested parties to see the commission conclude its work and look forward to receiving the final report at the end of October. Our duty to the women and children who passed through these institutions is to ensure their lived experiences are shared, acknowledged and understood. I will keep former residents and Members of this House informed of the situation when the report is received and it is my intention to publish it as soon as possible.

**Deputy Kathleen Funchion:** As the Minister will be aware and, in fairness, has acknowledged, a number of dates were given for publication. As late as 3 June last, it was confirmed that it would go ahead on the expected date of 26 June. At that stage, everybody thought that would be the date. However, on 12 June, there was a delay, which was said to be due to Covid-19. The experience of people who have been treated and failed so badly by the State has been delay after delay. Saying Covid-19 was the issue at the end of June when the Covid pandemic started in March caused people to become suspicious and one cannot blame them. I would feel the same way if I was in that position.

I appeal to the Minister, who I believe wants to do the right thing on this, to ensure that this is not delayed any further. At this stage, the commission must have had enough time. I appre-

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ciate the complexities and that time is needed as this investigation cannot be rushed but at this stage the commission of investigation needs to stick to the date of 30 October.

**Deputy Roderic O’Gorman:** I fully agree with the Deputy. In fairness to the commission of investigation, we are all aware that a chunk of our lives was missed this year and that has caused difficulties and delays for everyone in every context. I do not want to make comparisons because I do not want to minimise the issue we are discussing. However, everyone’s lives were delayed and that is the context here.

I met two members of the commission of investigation around a month ago and we had a useful discussion. I asked them if they were absolutely confident about the date of 30 October and they replied that they were. I am confident about that date and that on that date we can begin the process of doing due diligence on the Government side to make sure we can have the report published as quickly as possible. As the Deputy is aware, it is important to flag to the survivors that we will not have it published on that day. It is my absolute intention, however, to publish it as quickly as is possible subject to the advice of the Attorney General and the Government’s decision thereafter.

**Deputy Kathleen Funchion:** While I understand the Minister’s point, if the 30 October deadline is adhered to, it will be the first time a timeline will have been met in this whole scenario. The report should have been published before the Covid pandemic started. Covid should not come into this. I never know what we can say about mother and baby homes, institutional abuse and all the horrible things that happened. The State has totally failed people. One thing we can do, apart from apologising, is publish the report and get the information. It is important the deadline is not extended any further.

The first group of people to be given copies of the report must be the survivors. Unfortunately nowadays, we see leaks to the media a few days or weeks in advance of publication of any report. We do not want survivors to open a newspaper and read about various parts of the report before they have been told it has been completed and is available. I appeal to the Minister, insofar as it is possible and within his power to do so, to ensure the survivors are the first to get copies of the report.

**Deputy Roderic O’Gorman:** The Deputy makes a fair point. My Department has a network of people it communicates with on all issues to do with the mother and baby homes commission of investigation, and we will use that network. However, the Deputy is correct that we will need a clear communications approach as regards the publication of this report. I remember when the Saville inquiry in London published its final decision on Bloody Sunday that the relatives were all present and were given copies of the report. I remember them waving them out the windows of the Houses of Parliament. That was done in a way that was respectful to relatives. I take on board the Deputy’s point on the importance of communicating with survivors and getting the report to them quickly in a way that is respectful.

## **Ceisteanna Eile - Other Questions**

### **School Attendance**

27. **Deputy Denis Naughten** asked the Minister for Children, Disability, Equality and Integration his plans to provide alternatives to prosecution for parents who fail to ensure their children attend school; and if he will make a statement on the matter. [22327/20]

**Deputy Denis Naughten:** Every year, more than 700 families are threatened with prosecution because their son or daughter has failed to attend school for well in excess of 20 days with no legitimate reason and where these parents have declined support and are unwilling to co-operate with the education welfare officer. However, after numerous contacts, one in four of these families are actually prosecuted. I question whether court, or the threat of court action, is the most appropriate way to deal with these families.

**Deputy Roderic O’Gorman:** The Tusla Education Support Service, TESS, operates under the Education (Welfare) Act 2000. It emphasises the promotion of school attendance, participation and retention. TESS has three key strands, namely, the statutory educational welfare service, the home school community liaison scheme and the school completion programme.

I recognise that returning to school is challenging for students. As schools reopen, TESS will continue to engage with families to provide advice, support and encouragement to students. TESS will work to support students in returning to school, particularly students who have been identified as having difficulties returning. It will engage with all schools to identify any students who have not returned and might require additional support. The approach to such students and their families will be entirely supportive.

The Deputy makes the point that a number of school attendance notices are issued and a number of prosecutions brought forward every year. In this context, only 6.5% of cases result in a school attendance notice and of those, only 1.5% result in a case going to court. On the basis of those figures, it is my sense that the vast majority of the work done by TESS is very much on the supportive side and to try to bring parents to get their children into school. There must be some element of sanction in the most egregious cases where, for whatever reason, parents fail to engage with the supports provided. It is important to note the small proportion of cases that go to court, which stands at 1.5%.

**Deputy Denis Naughten:** The law states that if a child is absent for more than 20 days without a legitimate reason such as illness, the case should be referred to Tusla. Sadly, however, due to the limited staffing resources, children have to miss multiples of the 20 days before a referral is made in the first place. Having said that, more than 6,000 children are referred each year to the Tusla Education Support Service. That is an average of 33 children referred every single school day. Would it not be better use of the 98 staff working within the service to work with the families in a supportive manner to address the underlying issues causing school attendance problems, rather than preparing legal files, attending court on numerous occasions and fining vulnerable families up to €2,000?

**Deputy Roderic O’Gorman:** The Deputy raised a number of points, one of which is related to the number of social workers in Tusla. We have questions coming up on that issue later when we will talk about increasing the number of social workers.

*5 o'clock*

Based on how the legislation is being implemented I believe the Tusla staff and those in TESS are very much focused on that element of support and encouraging parents. That is why in addition to Tusla we have the home-school community liaison officer who is based in the school. I am sure the Deputy has been on a few school boards as I have also. I know the real work they undertake with parents in trying to learn the family-specific circumstances so that by building up that relationship with parents, they might be able to bring that child back into the school system.

**Deputy Denis Naughten:** One primary school child in eight misses more than 20 days in school each year. This number is increasing rather than decreasing. In many cases it leads to disruption for the entire class and not just the child concerned. Three Government databases are involved in school attendance, namely, those of the Department of Education and Skills, the Department of Children and Youth Affairs through Tusla; and the Department of Employment Affairs and Social Protection, but they do not communicate with each other. Will the Minister sit down with his two colleagues and use a technology tool rather than a 140-year-old legal tool to deal with these 700 families in a way that benefits the child in the first instance, the family and our education and legal systems?

**Deputy Roderic O’Gorman:** The Deputy’s point on technology is important. Tusla has been recognised across Europe as being one of the social worker agencies that was quickest to move to work online during the Covid pandemic. I wish to recognise the work Tusla has done there. The Deputy may not be aware that TESS is moving out of the Department of Children and Youth Affairs and moving over to the Department of Education and Skills. I think the Deputy may regard that as a good thing. Two of the three partners in this regard are being amalgamated. That is one of the changes in function that will take place quite soon.

**Deputy Denis Naughten:** Two-legged stools do not work.

**Deputy Roderic O’Gorman:** In the future this matter will be addressed by the Department of Education and Skills.

### **After-School Support Services**

28. **Deputy Pádraig O’Sullivan** asked the Minister for Children, Disability, Equality and Integration his plans to increase the range of after-school services in schools and community hubs in County Cork. [22362/20]

53. **Deputy Cormac Devlin** asked the Minister for Children, Disability, Equality and Integration his plans to increase the range of after-school services in schools and community hubs in Dublin. [22366/20]

**Deputy Pádraig O’Sullivan:** My question relates to the firm programme for Government commitment to increase the range of supports for after-school services and community hubs. In County Cork and my constituency of Cork North-Central, what plans does the Minister have to deliver these much-needed services?

**Deputy Roderic O’Gorman:** I propose to take Questions Nos. 28 and 53 together.

I thank Deputy Pádraig O'Sullivan for his question. There is a large demand for high-quality, accessible and affordable school-age childcare services. This demand is seen in all areas of the country, including in my constituency and I have no doubt in Cork city.

To help meet this demand, the programme for Government commits to increasing the range of after-school services in schools and community hubs.

My Department has provided support for the development of school-age childcare places through dedicated capital grant funding. Between 2017 and 2019, over €6 million was awarded in capital funding to assist the creation of new school-age childcare places nationally and to ensure that the quality of care was raised.

Key to supporting this will be the national childcare scheme, NCS, which since 2019 has been open to school-age childcare services.

School-age childcare services registered with Tusla can now encourage parents to apply for NCS subsidies of up to €3.75 per hour for each school-age child.

My Department published an action plan in 2017 which set out a range of actions to strengthen the provision of school-age childcare. The action plan recognised that some parents cannot care for their children outside school hours particularly where they are working.

The action plan included a commitment to maximise the use of schools and community facilities for school-age childcare, where the environments are suitable, and where there is an agreement with the school patron or trustees.

To this end, the Department of Education and Skills is engaging with schools and encouraging patrons to make their buildings available for this purpose.

The national development plan recognises childcare as a strategic priority for Ireland. I look forward to working further on this to ensure that funding is made available to expand capacity where demand exists.

**Deputy Pádraig O'Sullivan:** The return of schools is very welcome for many parents who spent the last six months caring for children and continuing to work. It builds on previous work in reopening the early-years and childcare sectors. While this will allow more people to return to work should they wish to do so, many gaps in provision remain to be addressed in the provision of after-school and community services. This is particularly the case for single parents. By their nature, many of these after-school and community places are created on an *ad hoc* basis with individual facilities offering them when they become available.

With this in mind, ensuring that parents can afford this service will be vital in increasing the provision of these places. What supports is the Minister developing to help parents access these services when they become available?

**Deputy Roderic O'Gorman:** There is significant demand for school-age childcare services. I just did some calculations and I believe the vacancy rate in Cork city is about 4% which is obviously very tight. That is a clear indication of the need to provide more places. The Deputy spoke about the *ad hoc* development of these services, which is right to a degree. The previous Minister introduced the action plan to get a higher-level view of where these services were needed and to identify how we could take the available capital funding, which will continue for the duration of the national development plan, and direct it to those places, be it for brand

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new facilities or by ensuring that after the school day the school hall or some other facility in the school could be used for school-age childcare. We need schools to be a bit more flexible because sometimes schools are not entirely happy with that use and we should put in some supports there.

**Deputy Pádraig O’Sullivan:** There is a concern with schools which needs to be addressed in the short to medium term. While the Minister for Education and Skills has confirmed that this opening is intended to support the reopening of after-school services, it is likely that many schools which might provide space for such a facility may not do so this year given public health concerns. Is the Department actively engaging with schools, which have previously provided after-school services, to ensure that these schools, where safe to do so, are providing places which have previously been available and encouraging them to increase the number of available spaces where appropriate?

**Deputy Roderic O’Gorman:** Where it is safe to do so, there is no reason for a school not to give permission for the use of their facilities for school-age childcare after school provided all public health guidelines are maintained. The availability of that childcare is really important. Over the summer we have been very successful in reopening childcare facilities and got to about 94% of what was normally open. With the reopening of schools, we are at the wider opening of childcare and ECCE services. I commit to keeping a close eye on this. If it is a phenomenon that builds up, we will definitely act on it. If the Deputy is aware of specific instances, I would be happy for him to bring them to my attention.

**An Leas-Cheann Comhairle:** Deputy Whitmore has conveyed her apologies for not being present for Question No. 29.

*Question No. 29 replied to with Written Answers.*

### **Early Childhood Care and Education**

30. **Deputy Éamon Ó Cuív** asked the Minister for Children, Disability, Equality and Integration the policy he has to promote all Irish language and bilingual crèches in and outside the Gaeltacht to ensure all parents have a choice between an English-language crèche, a bilingual crèche and an Irish-language crèche in view of the ability of very young children to easily learn a second language. [22329/20]

**Deputy Éamon Ó Cuív:** Déanaim comhghairdeas leis an Aire as a cheapachán.

What is the Department’s policy to ensure that all children nationally have a choice between Irish-language crèches, bilingual crèches and English-language crèches? We know that children absorb languages and the younger they are, the easier they find it to learn two languages or three if they are exposed to those languages. What is the Department’s policy on this issue and on providing that basic service to our people?

**(Deputy Roderic O’Gorman):** I thank the Deputy for his kind words. I believe there is strong value in supporting the provision of services in the Irish language to children at an early age because, as the Deputy has said, they are able to pick up languages much more quickly at that age. Preschools and crèches can play a really important role in promoting Irish as a living language.

I note that early learning and care services are private businesses and they determine the medium through which they provide their service. My Department provides funding to providers through various schemes to subsidise early learning and childcare costs and for various quality initiatives. We are particularly keen to support providers who wish to operate through Irish.

There are currently 247 childcare services that identify as naíonraí with Pobal and my Department. Of these, 237 provide the ECCE scheme. For the 2019-20 programme year, my Department provided these services with €25 million worth of supports.

Tusla, the early years regulator, and the Better Start quality development service offer services to the sector through Irish and continue their efforts to improve the Irish language service. My Department also ensures that resources are made available through Irish.

Collaboration between officials in my Department and in the Department of Culture, Heritage and the Gaeltacht has resulted in a set of actions under the five-year Action Plan for the Irish Language 2018-2022. These actions are in support of the overarching 20-year strategy for the Irish language and are designed to affirm the importance of early learning and care in encouraging the development and revitalisation of the Irish language.

First 5, the whole-of-government strategy for children and families contains two actions specifically aimed at supporting the development of the Irish language within the early learning and care sector. These involve ensuring that children in Gaeltacht areas have access to early learning services through Irish and developing mechanisms to provide Irish language supports to services where there are high proportions of children learning through the medium of Irish.

My Department remains committed to supporting growth in the number of Irish language early years services.

**Deputy Éamon Ó Cuív:** I accept that there are a large number of naíonraí but a naíonra is a preschool whereas a naíolann is a crèche. There is a world of difference between the two. Getting to children at the crèche stage presents great advantages as against getting to them at the ECCE stage. For one, the service has them all day. There are naíolanna in the country operating through Irish. I am sure the Minister would agree that there is a privatisation drive in this country and an idea that everything should be market driven. The first sentence of his answer was that these are private businesses which we fund. Of course, he who pays the piper calls the tune. Is there an overarching positive policy in the Minister's Department which aims to promote to concept of diversity of choice of language between the two official languages or a mixture of both? Is there a policy to introduce a small amount of Irish in English-speaking crèches? The Minister is correct that this was part of the 20-year strategy. Is there a big policy which the Department's money could be used to implement?

**Deputy Roderic O'Gorman:** My understanding is that the two points I listed from our overarching strategy for dealing with the early years sector, First 5, act on elements of the 20-year strategy. The overarching strategy for the Irish language is being enacted in our sector through these points in First 5. They are carrying on down. That is my understanding of the link. It is important to note that, acting on those commitments in First 5, we are working on the creation of two Irish language early years posts to further develop Irish language services. Unfortunately, the hiring process for these posts was delayed because of Covid but I will see where we are with the hiring of these officers as their duties will focus directly on the Irish language in the early years sector and on supporting developments in that area.

**Deputy Éamon Ó Cuív:** The State has a constitutional duty to promote the Irish language, which is also its clear policy. When it comes to delivering, it always seems to be a case of listing what we are doing while not really doing anything. There are many Gaelscoileanna in this city. In many cases, and with great difficulty, the communities behind these Gaelscoileanna have provided naíonraí. One would have thought that the Department would have a positive policy to make sure that there was a naíolann or crèche connected with every Gaelscoil and naíonra. It should not be a matter of whether the market wants it, in which case it would be delivered, but a positive policy driven by the Minister's Department as part of the national policy on the promotion of the Irish language. When one gives two languages to children of one, two or three years, one gives them a lifetime present for free which will give them a huge advantage throughout the rest of their lives while also making it easier to learn a third, fourth or fifth language, as has been well proven.

**Deputy Roderic O'Gorman:** I absolutely accept the Deputy's wider point on the learning of languages. I take on board his point regarding Irish language provision from the youngest ages. I am ten weeks in the job but I will endeavour to get a better sense of how these various elements interact because I accept its importance.

### **Direct Provision System**

31. **Deputy Pa Daly** asked the Minister for Children, Disability, Equality and Integration the preparatory work that has taken place with respect to responsibility for direct provision transferring under his remit. [22370/20]

**Deputy Pa Daly:** Cén obair atá déanta ag Roinn an Aire chun freagracht as soláthar díreach a aistriú ón Roinn Dlí agus Cirt agus Comhionannais? What preparatory work has taken place with respect to responsibility for direct provision being transferred to his Department?

**(Deputy Roderic O'Gorman):** I thank Deputy Daly. My officials and I met the Minister for Justice and Equality, Deputy Helen McEntee, and her officials early in the process to prepare for the transfer of functions to my Department, including those relating to direct provision. We have maintained regular contact on the matter since then. In addition, I have made contact with some officials who will be transferring from the Department of Justice and Equality to my Department for initial discussions on a range of equality matters, direct provision and the preparation of a White Paper on direct provision. Since my meeting with the Minister, Deputy McEntee, detailed discussions between officials of our two Departments have been continuing.

The entire process is underpinned by a set of guidelines that all Departments use when arranging for the transfer of functions. A good co-operative relationship has developed between my officials and those in the Department of Justice and Equality. We feel that all elements are progressing smoothly.

A great deal is transferring between the Departments, including substantial policy areas and, particularly in respect of direct provision, many operational matters. I want to ensure that the transfer takes place in an effective and timely manner. In order to achieve this, officials are examining the relevant functions, legislation, funding and staffing involved. It is important that all elements, particularly funding, follow. My intention is for this business to be concluded very shortly and for the transfer of functions order to be completed at that stage.

I very much look forward to taking on responsibility for a large range of areas in the equality sphere and in the area of direct provision and integration.

**Deputy Pa Daly:** I congratulate the Minister. A lot of pressure was put on him and the Minister for Justice and Equality with regard to dealing with the situation in Cahersiveen. I understand the last few residents have now been transferred from that centre. The whole area of direct provision was, however, thrown into focus again recently in connection with the Covid outbreaks in Kildare. This will continue to happen as long as the State continues to use accommodation centres which are clearly not fit for purpose. The Minister said a White Paper is due. There are also regulations which were approved of in August of last year and which, almost unbelievably, will not have legal force until January of next year. As such, there is much work to be done on it. The only way that work can be done is by it coming onto the Minister's table. I ask also what alternative accommodation will be provided.

**Deputy Roderic O'Gorman:** I thank the Deputy. I want to recognise his engagement with me on Cahersiveen. On the very day I became a Minister, he tracked me down and had a word in my ear about it. He was instrumental in helping to get a good outcome there. Colleagues like the Minister for Education and Skills, Deputy Foley, were engaging with me significantly on the issue as well and we did get a good outcome there. However the Deputy is absolutely right that Cahersiveen is one example of the wider failings of the direct provision process that have been brought to light in the context of Covid. What the Government is seeking to do is set out clearly in the programme for Government. We are going to end direct provision over the lifetime of this Government and replace it with a new method of accommodation for those in the international protection process, one which properly recognises their dignity but one which is not focused on private provision, which is one of the key issues with direct provision. I have been very clear that this is not going to happen swiftly. This will be a process and the White Paper that the Government will publish by the end of the year will set out how that process will work.

**Deputy Pa Daly:** I am glad the Minister raised that side of the matter with regard to NGOs. Has he spoken to any NGO that might be involved in providing accommodation when the transfer is done? Has a date been identified for the transfer, as it is going to fall on the Minister's desk? As the Minister already has the Oireachtas report which was carried out over the last Dáil term, is there really any need for another White Paper when the regulations are already in place? Is that not going to confuse the issue and prolong it further?

**Deputy Roderic O'Gorman:** I do not have a specific date but a matter of weeks is the time-frame which has been discussed with my officials. I very much hope that the transfer of function will have taken place by the end of this month. There is a need for a White Paper because it is an overarching issue and the solutions are across a wide range of issues. The programme for Government does not discuss the accommodation side of direct provision alone. It looks at the entire international protection process and how that might be speeded up, it looks at the conditions residents are living in, it looks at the provision of vulnerability assessments and it looks at the inspection, which is very relevant to the regulations on what direct provision accommodation should look like. It is an overarching element and all elements need to be looked at in the context of a new White Paper.

**Deputy Pa Daly:** Did the Minister speak to the NGOs already?

**Deputy Roderic O'Gorman:** On the housing side of this issue, I have spoken to a number

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of housing NGOs. As it is not yet within my remit, I have not started engaging with the NGOs representing those within direct provision but I will do so as soon as I get those functions.

**An Ceann Comhairle:** Question No. 32 is from Deputy Sean Sherlock. We will move on to Question No. 33, to be introduced by Deputy Kathleen Funchion.

*Question No. 32 replied to with Written Answers.*

### Childcare Services

33. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration the supports afforded to childcare facilities to enable them to remain open and viable in view of the fact that in the first six months of 2020 Tusla was notified of 123 closures of childcare settings (details supplied); and the steps he is taking to improve issues regarding sustainability and capacity in the sector. [22323/20]

**Deputy Kathleen Funchion:** This question concerns the supports afforded to childcare facilities to enable them to reopen and to remain viable. In view of the fact that in the first six months of this year, Tusla was notified of 123 closures of childcare settings, what steps are being taken to ensure sustainability and capacity in the sector?

**Deputy Roderic O’Gorman:** Each year a number of early learning and school-age childcare services close for a variety of reasons. Services intending to close must notify Tusla, the childcare regulator, of that fact. The most recent available data for the year to date show that 123 services, as the Deputy noted, have notified that they will not be reopening. A total of 39 new services have also notified Tusla that they will be opening this year. The number of services closing this year to date is slightly lower than the same number last year. In total, 200 services shut last year whereas in 2017 and 2018 about 150 shut in each year.

On supports, in the July stimulus package announced on 25 July, I provided a very substantial stimulus package for the childcare sector. It included the resumption of all my Department’s childcare schemes and access to the employee wage subsidy scheme. We estimate that at present, the employee wage subsidy scheme funds about 38% of childcare providers’ costs on average. That is obviously a highly significant direct State support. In June, my Department previously announced both a capital and a reopening support grant and about 3,800 services signed up for these. In total, 94% of services which normally open over the summer resumed their service. This illustrates the success of the measures the Government took to support the childcare sector. I want to commend the sector on the hard work of both the providers and the childcare professionals and the real commitment they demonstrated, particularly to the children in their care, in undertaking that very major reopening. I am conscious that some services may struggle to remain viable in the coming months. Consequently, I have ensured that €2 million is available in a Covid stability fund and I believe the Deputy may have a question for me about that later on as well.

**Deputy Kathleen Funchion:** Yes, I believe one of the other questions I have tabled concerns sustainability. The Minister will not be surprised at this stage by my saying that the sector probably has been undervalued and underfunded for years. Hopefully the Minister, Deputy O’Gorman, will be the Minister to change this and to ensure the sector is funded correctly. There will always be a certain amount of closures as it is natural for that to happen but there

were 42 in County Dublin, 16 in County Cork and 13 in County Kildare. What supports are available for parents in those areas? Are they perhaps being given support through the city and county childcare committees to access other childcare places? That does not even take into account the workers in that sector. There have been job losses, which we do not want to see given the amount of job losses that we are going to see anyway due to Covid. This is a sector in which we want to hang on to those valuable and highly-trained staff. What supports are there for them when a facility closes?

**Deputy Roderic O’Gorman:** The Deputy is absolutely right about the need for that element of wider support. When she put down a motion on this in the last term, we had a good discussion about some of the key things that are happening in the Department around workforce planning, looking at building real careers for childcare professionals, as well as the operational model which I brought through Cabinet and in terms of the expert group looking at the overall funding of childcare, how it is funded in other countries and drawing useful comparisons. As such a large body of work is being done at the moment, some of which was begun by my predecessor and some of it by me. By the middle of next year, we hope to have substantive pieces of research done upon which we can look to build the future vision of childcare.

On the Deputy’s specific question, the city and county childcare committees can engage with parents and give them advice about other services which have vacancies in situations where a childcare service has ceased to operate.

**Deputy Kathleen Funchion:** I am not sure if this is part of a further question but I will take the opportunity to ask it now. I refer to after-school services. I have come across a number of after-school services which are running their normal day service but cannot seem to run the after-school part or the collection part. The transport may be an issue or there is some issue around the after-schools. In the instances that I have come across, parents are being told it is to do with Covid guidelines. I do not see how that can be the case. Does the Minister have any information specifically relating to after-school services and the situation with them?

**Deputy Roderic O’Gorman:** Like the Deputy herself, I do not initially see how the guidelines would impact on the after-school element more than any other element. They apply generally and I am not sure if it is the rules themselves or is it a financial concern about staffing to monitor that in and out process. Again, there are financial supports specifically provided in the context of the reopening grants and it is a significant payment. If the Deputy has more specific details I am happy to touch base with her subsequently on that.

### **Special Educational Needs**

34. **Deputy Donnchadh Ó Laoghaire** asked the Minister for Children, Disability, Equality and Integration the steps being taken to re-engage students with education including students with special educational needs and other vulnerable categories; and if there will be increased investment in home school community liaison officers and school completion programmes to help ease this transition back to school buildings. [19305/20]

**Deputy Donnchadh Ó Laoghaire:** This question is peculiar in that I submitted it to the Minister for Education and Skills and it was referred to the Minister present but were I to submit it to him in a few weeks’ time, it would be transferred across to the Department of Education and Skills. The primary concerns involved are educational and I have listened to a lot of discus-

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sion on very legitimate concerns about the application of the 20 day rule where there is illness, as raised by Deputy Funchion and others, and it is right and valid. I also have a concern at the other end of the equation. Tusla has a difficult job to do to try to keep an eye on it but there is the danger that in the midst of all this there will be children who become disengaged with education and with whom contact will be lost. I am looking for an update on this.

**Deputy Roderic O’Gorman:** Research the Department has undertaken on the Covid-19 pandemic has shown the risk of a particular impact on students from disadvantaged backgrounds and students with special educational needs. This is one of the reasons I have been very committed as part of the Government to the reopening of schools generally.

As the Deputy knows, the Tusla Education Support Service, TESS, operates under the Education (Welfare) Act 2000 and has an emphasis on the promotion of school attendance, participation and retention. TESS has three strands, namely the educational welfare service, the home school community liaison scheme and the school completion programme. All three of these are working at present and Tusla has been engaging on this point to ensure engagement with all students, in particular students with those additional needs, so they are brought back into education.

As we discussed in debate on earlier questions, to ensure this is happening we have the special September return being made by all schools to indicate whether students have returned after the extensive gap forced on them by Covid. TESS staff will examine these returns to see whether particular issues need to be addressed.

TESS has planned a universal response to support the return to school for all students and has reorganised the focus and capacity of the service to achieve this, including by temporarily seconding additional support staff from other areas of Tusla to support the initiative.

The 122 school completion projects are funded in line with the academic term and approximately €24.7 million is provided to them each year.

The home school community liaison scheme is supported by the Department of Education and Skills and falls directly within the remit of the Minister of Education and Skills.

**Deputy Donnchadh Ó Laoghaire:** This section is on the way out of the Minister’s Department and perhaps he will give us a timescale on it because I am not sure. In the meantime, the Minister has an opportunity to shape it. I have a view that there is a cohort of students who could and should have benefited from access to the school completion programme and particularly from access to the home school liaison scheme in recent years but have not done so because there has been no expansion of DEIS band 2 for more than ten years. An awful lot of schools would have qualified for it and many children could have benefited from the home school liaison scheme and the school completion programme. There was no real movement on DEIS in recent years. This is a crossover area and the Minister should engage with the Minister for Education and Skills to lobby for a review of DEIS with a view to expanding the number of people who can avail of these two schemes in particular.

Will the Minister also come back to me on redeployment? What staff are being redeployed and what work are they doing now that they have been redeployed? I presume the home school liaison teachers are still attached to schools and they are not being redeployed.

**Deputy Roderic O’Gorman:** In case there is any confusion about redeployment, the idea

is that Tusla staff from other areas would be redeployed to support this particular project, particularly in September, to make sure young people come back to school. It is about resources coming in rather than resources going out.

On the transfer of functions, we are talking about a number of weeks. I can get back to the Deputy on this. We are looking at a number of weeks with regard to when the TESS function will be moved to the Department of Education and Skills.

With regard to DEIS schools, I have been the chair of the board of management of a DEIS school for the past three years. As it happens, our home school community liaison officer is also the staff representative on the board and we have had a real insight into the work she does, particularly advancing elements of our DEIS plan, which looks at issues such as attendance. I am fully supportive of the idea of expanding DEIS access throughout the country.

**Deputy Donnchadh Ó Laoghaire:** I understood the point on redeployment. Is it with regard to this particular return exercise that is being worked on? Perhaps it is additional work. In general, I am in favour of the expansion of the home school liaison scheme and school completion programme. The expansion of DEIS to another cohort of schools is an important part of this, not just DEIS band 1, which is important, but also DEIS band 2.

Some of the very important work done by school completion officers includes breakfast clubs. From the Department's point of view is it full steam ahead? Can breakfast clubs and other such activity resume? Have they resumed?

**Deputy Roderic O'Gorman:** My understanding is that in terms of breakfast clubs and the use of school facilities, there is no barrier to doing this so long as public health guidelines are fully followed. I might touch base with the Deputy on this again so I have a completely clear answer for him.

*Question No. 35 replied to with Written Answers.*

### **Departmental Funding**

36. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration the budget for the new sustainability fund of his Department; the breakdown of funds spent to date from same; the funds that have been allocated, by county; the number of facilities that have applied, by county; and the marketing undertaken by his Department to promote the new fund to providers. [22322/20]

**An Ceann Comhairle:** This question is from Deputy Funchion, who is getting great mileage here today.

**Deputy Kathleen Funchion:** It seems to be just myself and the Minister for the most part. I feel like much of this question was addressed in the discussion on the previous question because it is about the sustainability fund but I am interested in the breakdown detailed in the question. Is it possible to get it in written format? I would be happy to leave it at that rather than repeating the information.

**An Ceann Comhairle:** Will the Minister produce a written answer?

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**Deputy Roderic O’Gorman:** Yes. I did not quite get into too much detail on the sustainability fund in the previous reply, if the Deputy would like me to say a little bit more about it. It might be worthwhile for those listening to hear it.

**Deputy Kathleen Funchion:** Yes.

**Deputy Roderic O’Gorman:** The Covid-19 sustainability support grant will be available to early learning and childcare services where there is a demonstrated decline in occupancy or a verified increase in costs due to Covid-19 that is not addressed by the significant financial measures already put in place, which we have discussed.

I have allocated €2 million for the scheme. This is in addition to resumed funding for the Department’s childcare schemes and the employment wage subsidy scheme, which funds an average of 38% of providers’ costs as well as the capital grant scheme and the reopening support grant.

In the interest of preserving capacity in the sector, and as announced as part of the July stimulus measures, it was decided to expand the criteria for access to the sustainability fund by services for profit and not-for-profit services experiencing or at risk of a cash flow crisis arising from the Covid-19 pandemic.

The success of Government measures to date are demonstrated by the fact that 94% of services were open over the summer. In the next two to three weeks, further details on eligibility for the sustainability scheme will be made available. I will be happy to update the Deputy on uptake of the scheme as it proceeds over the coming months.

As we await the final detail of the scheme, my officials and I will continue to meet regularly with sectoral representatives. These meetings are used to keep the sector updated on progress and to get feedback from the sector to inform future developments. I will meet the forum on Thursday morning and continue that element of engagement.

**Deputy Kathleen Funchion:** I welcome the fact it has been extended to the community, which is something I have been seeking for a long time. Is the €2 million on top of what already existed in the sustainability fund or is it a separate ring-fenced amount because of Covid?

**Deputy Roderic O’Gorman:** The €2 million is the overall sustainability fund. It is not a ring-fenced Covid element.

**Deputy Kathleen Funchion:** It is for all sustainability matters.

**Deputy Roderic O’Gorman:** Yes.

*Question No. 37 replied to with Written Answers.*

### **Departmental Reports**

38. **Deputy Kathleen Funchion** asked the Minister for Children, Disability, Equality and Integration when the Crowe Report will be published. [22325/20]

**Deputy Kathleen Funchion:** This question is very straight forward. I am asking about the Crowe report. When does the Minister believe it might be published?

**Deputy Roderic O’Gorman:** Crowe was commissioned by my Department to undertake an independent review of the cost of providing quality early learning and care and school-age childcare in Ireland. Planning is under way to launch the report and I intend that this will occur before the end of this month.

Crowe’s brief included analysing the current costs of providing early learning and care and school-age childcare and the factors that impact on these costs; the delivery of a model of the unit costs of providing early learning and care and school-age childcare that allows analysis of policy changes and variation in cost-drivers, and the provision of a high-level market analysis of the sector in Ireland. The review was intended to provide a robust evidence base for the further development of high-quality early learning and care, ELC, and school-age childcare, SAC, in Ireland. The outputs, including the costs calculator developed through this project, were also intended to form a key input to the setting of capitation and subvention rates for ELC and SAC.

Final outputs were received in January of this year, and preparations were under way to launch the report in April 2020. The launch, however, like so many things, was postponed due to the Covid pandemic.

The findings from this review contributed to the evidence base that underpinned the temporary wage subsidy childcare scheme and was later used in looking at the employment wage subsidy scheme, which we have spoken about and which has provided so much support across the sector.

The findings also informed the development of funding packages for the phased reopening of these services since late June.

**Deputy Kathleen Funchion:** The Minister expects the report to be done by the end of September then. That would be very welcome. I remember when it was first spoken about by the previous Minister. I would have welcomed the fact that we would have an independent report into the cost of providing childcare because it is very difficult. We know for a fact the workers are not paid enough. We know for a fact that many providers are struggling and find it difficult to keep their doors open. We also know that parents constantly face a battle, first to try to access places and, second, when it comes to the costs. Many people, therefore, in particular women, end up perhaps having to work part-time or to take parental leave on days when they would not have envisaged doing so. They find themselves in all sorts of situations just to try to juggle the costs. It is difficult to see who benefits from the high cost. It is certainly not the workers. The vast majority of providers, particularly in rural areas, are perhaps one or two-women operations.

I really welcome the fact that the report will be published and I look forward to getting a copy.

**Deputy Roderic O’Gorman:** Absolutely. Obviously, I was not in this position when it was commissioned, but I know just from talking to officials in the Department the huge amount of work that has gone into it. The work has been refined and strengthened as it has been undertaken. As I said in reply to a question the Deputy asked earlier, this comes in the context of other very significant research work my Department is undertaking. Sometimes people give out about reports being undertaken etc., and on one hand I can understand there is always a degree of scepticism in that regard. On the other hand, however, and as the Deputy herself knows, we are dealing with a sector that has been built on a very *ad hoc* basis over the past ten years after virtually no investment prior to that period. If this is to work, and if we are not going to just act

in an *ad hoc* way, I think it will be really important we have that sustained evidence base from which to work and to design that new vision for childcare.

**Deputy Kathleen Funchion:** That has been the difficulty for so many years. There has not really been a strategy. I always refer to the additional child benefit payment that used to be paid. At one point that was seen as the solution. Then it was decided to build purpose-built facilities. While they all had a role to play, there was no proper overall strategy, and at the end of all that paying the price were the providers, the workers, the parents and, ultimately, the children, which is what this is all about. Yes, I can be sceptical myself sometimes of reports and reviews. They can sometimes sound like an excuse, a talking shop or a way to push something down the road. In this case, however, we needed an independent report into the cost of providing childcare. It is long overdue and will be great to get when it is published, so I thank the Minister.

**Deputy Roderic O’Gorman:** Absolutely. All the pieces of work the Department is undertaking at the moment are really valuable and will give us that evidence base to design that long-term future. Comparisons are often made with Nordic countries and other European countries where a much more substantial amount of State investment goes into the sector. Again, that is building on things that have been ongoing for decades. We are not starting from scratch, but after ten years that is the only context in which childcare is developing in Ireland. It has always been as a response to a problem for this sector or that sector. Perhaps we have not had the opportunity to take that step back and ask how this is operating. The operational model, which looks at the administrative infrastructure, interests very few people - let us be honest - but it is important we scrutinise the role of my Department and of the 30 city and county childcare committees around the country. There should be careful scrutiny of how the whole apparatus operates together. It is to be hoped that by the middle of next year, when we get this information, we will have a very significant evidence base around a wide range of areas on which to build that future vision.

### Childcare Services

39. **Deputy Ruairí Ó Murchú** asked the Minister for Children, Disability, Equality and Integration his plans to put in place measures to ensure childcare providers servicing disadvantaged areas will not be forced into closure when transitioning from the community childcare subvention plus scheme to the national childcare scheme. [22373/20]

**Deputy Ruairí Ó Murchú:** I think the Minister is aware of the issues I wish to deal with in this question. They relate to a number of childcare providers operating in Dundalk and Drogheda, namely, in Cox’s Demesne, Muirhevnamor, Toberona and Moneymore. I know there is a short-term saver status - I am sorry if I have used the wrong terminology - but I do not think the referral solution the Minister was talking to me about will work in these cases because the sponsor body and the methodology of dealing with it will be just too complicated. The question is whether we can simplify this.

**Deputy Roderic O’Gorman:** I acknowledge that the Deputy has been engaging with me and I know I am to come back to him with further information. I will continue to do so.

Moving on to the wider point, a key objective of all the measures being put in place by my Department is in the context of the national childcare scheme. When it was introduced last year it was agreed to extend the community childcare subvention plus scheme for as long as users

preferred to use it over the new national childcare scheme. By retaining it, we provided income security of eligibility for children as “savers” from the previous scheme.

The intention behind the “savers” provision was to ensure that no one would lose out in the transition to the national childcare scheme. When it was introduced, families could remain on their current entitlements until they were no longer eligible or until they no longer required childcare services.

Many families, however, will be better off on the national childcare scheme and have already changed over to it, or will change over as they learn more about the supports the national childcare scheme provides. It will have advantages for providers as well. Additionally, the national childcare scheme will give subsidies to families who have never received any sorts of subsidies before, and that is important to acknowledge.

This will increase the demand for services. It will help parents with the cost of existing childcare services. Obviously, these developments are good for sustainability everywhere, but also for the sustainability of providers in disadvantaged areas.

Just last week, I think, another measure was introduced or finally applied as regards the income of providers using the national childcare scheme, NCS. The maximum number of hours on the scheme has been increased from 40 to 45, and for children with a parent or guardian available at home, the hours have increased by a third from 15 to 20.

In the event that a service is experiencing sustainability issues, I am also putting in place a new sustainability fund to provide additional support. It will be available to for-profit and not-for-profit systems, and I have discussed that in some detail already with Deputy Funchion.

**Deputy Ruairí Ó Murchú:** I appreciate that. First and foremost, the saver status has meant that these services have managed to continue with the quotient of service users already using the service. The problem is that this set of kids, if they were to apply now, probably would not meet the criteria. While there was a workaround for the services, whether it was Tusla, Louth County Council or a number of other bodies that could make referrals, they thought this would be a simple enough process and that, let us say, Tusla would be able to facilitate, but Tusla is not doing so. We are talking about a low-intervention service that really helps families in really disadvantaged areas. The problem is that the people running these services are already talking about people coming to them and saying, “We know that people have left this service and we want our kid to get into the service.” They do not necessarily understand the difficulties we are having at the minute. We need to sort out the referral service or a separate funding stream.

**Deputy Roderic O’Gorman:** I take on board the point about the referral service. To take a step back and provide some context, this is the first year of the NCS. It was getting up and running and then, obviously, we had Covid. There were a lot of plans in place to let these sponsorship organisations know what their role was. There is the Department of Education and Skills, Tusla, the HSE, the Department of Justice and Equality in limited circumstances and local authorities. I have a sense that some of those do not know the extent of their role and my Department is working at the moment and going through the various sponsors as regards who has the capacity to have an impact in better informing them about those situations. There is a tendency to blame everything on Covid but it has had an impact here. I will continue to engage with the Deputy on these services and revert with a written response on that.

**Deputy Ruairí Ó Murchú:** I thank the Minister and I agree with him that there may be a

possibility to short-circuit this and sort this problem. We were talking about sponsors and the people I have spoken to would say that if a problem could be circumvented without their having to deal with Tusla, that would be an advantage. I accept that parents can be iffy at times in dealing with Tusla and State agencies. We need something that is simple to use and is not a bureaucratic nightmare. I would appreciate it if the Minister came back to me. It is one of these issues that is capable of being sorted and we need to sort it so that the services that are necessary stay up and running and that we do not let down the kids that require these services.

*Written Answers are published on the Oireachtas website.*

### **Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Neale Richmond - to discuss the status of hate crime legislation as committed to in the programme for Government; (2) Deputy John McGuinness - to discuss the status of ongoing investigations and tribunals, particularly those involving individual citizens of the State, for the information of the new Dáil; (3) Deputies Aengus Ó Snodaigh, Dessie Ellis and Seán Crowe - to discuss the need for extra Garda resources to tackle the sale, distribution and use of fireworks in Dublin; (4) Deputies Ged Nash and Imelda Munster - to discuss the ongoing industrial dispute at the RHI Magnesita plant, Drogheda; (5) Deputy Pádraig Mac Lochlainn - to discuss the penalty points system on the fishing industry; (6) Deputy Ciarán Cannon - to discuss investment in double-tracking the rail line between Athenry and Galway city; (7) Deputy Michael McNamara - to discuss the lack of placement for concessionary ticket holders on school buses; (8) Deputy Éamon Ó Cuív - the immediate need for remedial works to be carried out by the OPW in Clifden following recent flooding, taking into account the severity of the damage caused and the need for humanitarian aid to be made available to those householders and businesses whose properties were damaged by the storm; (9) Deputy Paul Murphy - to address the downgrading of the paediatric emergency department at Tallaght Hospital; (10) Deputy Carol Nolan - to urgently address repeat flooding events along the River Shannon; (11) Deputy Fergus O'Dowd - to discuss the redistribution of moneys collected under the Proceeds of Crime Acts to affected communities such as Drogheda; (12) Deputy Richard Boyd Barrett - the liquidation of St. Mary's Telford nursing home and supported housing and St. Monica's nursing home by companies owned by Sisters of Charity; (13) Deputies Jim O'Callaghan, Ruairí Ó Murchú and John Brady - to discuss reports that the United Kingdom Government plans legislation that will undermine key elements of the EU-UK withdrawal agreement; (14) Deputy Willie O'Dea - to discuss the delay with the State redress scheme for survivors of abuse in primary schools; (15) Deputy Pádraig O'Sullivan - to discuss Carrigrenna wastewater treatment plant, Little Island, Cork; (16) Deputy Chris Andrews - to discuss the regeneration of public housing in inner city Dublin; (17) Deputies Pa Daly, Thomas Gould and Paul Donnelly - to discuss plans for reopening of sports events to the general public with increased attendances; (18) Deputies Danny Healy-Rae and Mattie McGrath - to discuss recent flood damage to roads and infrastructure; (19) Deputy Jennifer Murnane O'Connor - to discuss the review of income thresholds for local authority housing; (20) Deputy Rose Conway-Walsh - to discuss steps to protect the 20,000 students who sat their leaving certificate in prior years against grade inflation; (21) Deputy John Brady - to discuss the implications for Ireland of Britain's threatened reneging on the Brexit

withdrawal agreement and Irish protocol; (22) Deputy Paul McAuliffe - to discuss the lack of autism spectrum conditions, ASC, places in Dublin North-West; (23) Deputy Réada Cronin - to discuss the issue of access for partners at hospital visits and births; (24) Deputy Donnchadh Ó Laoghaire - to discuss the need for additional Garda resources in the Cork city division; (25) Deputy Matt Carthy - to discuss the European Commission's REACH committee's adoption of a regulation to ban the use of lead gunshot in Ireland; (26) Deputies Christopher O'Sullivan and Holly Cairns - to discuss the recent severe flooding in Cork South-West; (27) Deputy Pat Buckley - to discuss concerns over hygiene and infection control standards at Cork University Hospital geriatric unit; (28) Deputy Jackie Cahill - to discuss building works at Ballydrehid national school, Cahir, County Tipperary; (29) Deputy Darren O'Rourke - to discuss the urgent need to provide school bus transport for those without a service due to Covid-19 restrictions including in County Meath; (30) Deputy Sean Sherlock - the need for a capital investment programme for schools in north and east Cork; (31) Deputy David Stanton - to ask the Minister with responsibility for climate action, communication networks and transport to discuss the urgent need to upgrade the R624 access road to Cobh and the Great Island in County Cork; (32) Deputy Cormac Devlin - to ask the Minister with responsibility for climate action, communication networks and transport to discuss the urgent need to upgrade the R624 access road to Cobh and the Great Island in County Cork; (33) Deputy Alan Farrell - to ensure that employees working under the EWSS payment scheme will be eligible to avail of the short-time work support scheme, concurrently; (34) Deputy Martin Browne - to discuss the approach that has and will be taken if the UK undermines the withdrawal agreement in the Brexit process, given the concerns that will arise for the business and agricultural communities; and (35) Deputy Gino Kenny - the impact of Covid-19 restrictions on youth services and the consequences. The matters raised by Deputies Neale Richmond; Jim O'Callaghan, Ruairí Ó Murchú and John Brady; Pádraig Mac Lochlainn; and Michael McNamara have been selected for discussion.

*Sitting suspended at 5.53 p.m. and resumed at 6.13 p.m.*

## **Saincheisteanna Tráthúla - Topical Issue Debate**

### **Proposed Legislation**

**An Ceann Comhairle:** I welcome Deputy Richmond, who wishes to discuss the status of hate crime legislation as committed to in the programme for Government, and the Minister of State at the Department of Justice and Equality, Deputy James Browne, who is having his first outing as Minister of State.

**Deputy Neale Richmond:** I thank the Ceann Comhairle for taking this Topical Issue matter and holding it over from before the summer recess. I sincerely congratulate the Minister of State, Deputy James Browne, on his deserved appointment. I wish him well and hope he has a fruitful time in the Department.

As the Minister of State will be aware, hate crime legislation was promised in the first 12 months of this Government. It is needed to hold people to account for their actions, and more important, their words. It is prohibited to incite hatred against an individual or a group based

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on age, race, religion, sexual orientation or nationality. However, the law does not cover hatred based on gender, disability, civil status, family status or age. These characteristics must be included in the forthcoming legislation, which is set to ensure that those who target someone based on his or her identity are classified as perpetrators of hate crime.

Worryingly, we have seen a rise in the number of hate crimes reported in Ireland in five of the previous six years, with 250 crimes recorded last year alone. However, we all know the actual figure is most likely significantly higher, as many of these offences simply go unreported. We must take firm actions against hate crimes and the use of hate speech in order to make Ireland a safer place for everyone. In recent years, we have seen words of hatred and fearmongering creep into our public discourse. We have all seen individuals on social media inciting hatred and encouraging the spread of misinformation. In recent months, protests have been organised outside our Parliament at which individuals held pictures of nooses to threaten our colleagues. To even name the people who perpetrate this would do a great disservice to society but we have all seen the videos at this stage. With over half of politicians reporting that they have experienced online abuse, it is clear that there is a group of people in society who feel comfortable sending off a nasty social media message or email to someone they have never met, simply for the sake of causing hurt and upset. This is incredibly worrying. The reposting of hateful material should also be addressed in the legislation. It can cause just as much hurt as the original post.

In my constituency of Dublin Rathdown, there have been worrying incidents, including one where a man was verbally abused by a group of teenagers and told he did not belong here because he is originally from another country. A teenage girl was assaulted, egged and had her hijab removed in Dundrum in recent months. Houses have been daubed with sectarian images, swastikas and phrases I would not feel comfortable repeating in this House, let alone in any forum. There must be clear punishments for these horrific actions. A hate crime can have a long-lasting impact on the victim and it can lead to far more worrying events. Hate crimes may start as words but sometimes they lead to actions. We need only look at the events in the UK over four years ago, when what started with hate speech sadly led to the assassination of a Member of Parliament outside her office as she was leaving a constituency clinic, something everyone in this House does weekly, if not daily.

Ireland is known as the land of one hundred thousand welcomes. If we want to live up to this mantra, we need to take action and ensure everyone who is in this country feels comfortable, regardless of his or her status or any of the other characteristics to which I referred.

**Minister of State at the Department of Justice and Equality (Deputy James Browne):** On behalf of the Minister for Justice and Equality, Deputy McEntee, I thank the Deputy for raising this matter. I know it is one that concerns him deeply.

The mission of the Department of Justice and Equality is the delivery of a safe, fair and inclusive Ireland. The Minister is fully committed to the fight against racism and prejudice and to a fairer, safer Ireland for everyone who lives here. The programme for Government commits to introducing legislation within 12 months to address those who target victims because of their association with a particular identity characteristic and to revise and update the Incitement to Hatred Act 1989. The Department is already working as a priority to develop this new legislation, which will deal with both incitement to hatred and hate crime. The Minister hopes to bring forward and publish legislative proposals by the end of this year or at the latest by early 2021.

A public consultation was completed in January of this year on the issues involved. The Department received over 3,800 written responses, including around 175 detailed written submissions, which were welcome. This information will help to ensure the laws proposed are robust and effective within an Irish context. The Department has also completed comparative research on different approaches to hate crime legislation in other jurisdictions. Reports on the public consultation and the research will be published in the near future.

There is existing law in this area. The Incitement to Hatred Act 1989 prohibits certain forms of threatening, abusive or insulting conduct. In addition, in sentencing for criminal offences, a hate motive may be considered by the court to be an aggravating factor resulting in a stronger penalty. However, this has clearly not been sufficient to respond to crimes where a victim is targeted because of the perpetrator's hatred of a particular identity characteristic, such as religion, sexual orientation or ethnicity, for example.

Legislation alone is not sufficient to address the problems of hatred and bigotry. A key action in the fight against racism in Ireland has been the formation of the anti-racism committee. The committee, chaired by Professor Caroline Fennell of University College Cork, UCC, is tasked with reviewing current evidence and practice and making recommendations to the Government on how best to strengthen its approach to tackling racism in all its forms. The committee held its first meeting in June and met again at the end of August. It will provide an interim report by the end of November and I am sure we all look forward to seeing the results of its work in due course. With these and a range of other actions, concrete steps are being taken to tackle what are serious and long-standing concerns. I know the Minister hopes she can count on the Deputy's input and support when she brings forward legislative proposals on this important issue.

**Deputy Neale Richmond:** I thank the Minister of State for his full reply and I welcome his remarks, especially on the work that has been done, not just by the Minister, Deputy McEntee, but also by the former Minister, Deputy Flanagan. However, I would like to push for a more firm timeline. It is ambitious to say that proposals will hopefully be published by the end of the year or in early 2021. We have a commitment that it needs to be done within 12 months but work on this issue has been ongoing for so long that perhaps we can expect faster and more substantial progress.

I do not raise this issue because of what all of us have no doubt suffered through our work but because I genuinely have a serious fear about the level of uncivil discourse creeping into public debate. Before expressing a view, people must often consider first whether they are prepared to voice an opinion that not everyone agrees with because of the abuse they and members of their family will receive. Is this inhibiting people from entering politics? I thought the era of nasty politics had gone from Ireland. The best thing we can say about this Parliament is that we can strongly disagree in this Chamber and in the committee rooms but we can all be agreeable outside, have a cup of tea together, meet supporters at election time and have the craic outside the gates of the church or whatever it may be. I fear that if we look at the next debate that the Minister for Foreign Affairs and Trade, Deputy Coveney, is going to take, we can see the impact that nasty politics can have in honourable and respected countries such as that of our dear neighbour, the United Kingdom. We do not want to go down the pathway where worrying commentary is used in political campaigns, and scaremongering posters and blatant abuse of office become the norm. That is the huge fear I have for this country and I hope that, through the legislation that is promised, the Minister of State and the Minister can play their part in making sure we are as immune to that as possible.

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**Deputy James Browne:** I thank the Deputy again for raising this important and serious matter. On behalf of the Minister, I am pleased to hear support being expressed for the proposed new legislation. I understand the Deputy's desire to see the matter progressed as quickly as possible and I assure him that the Minister and I share his determination to get this legislation passed as quickly as possible and to ensure it is effective and addresses the key issues he has raised.

Ireland has become a more diverse and welcoming country in recent decades. Together with the Minister, I strongly condemn the actions of the small minority who subject others to abuse or attack, arising from personal prejudice. The priority work of the Department to legislate for hate crime and hate speech will make a real contribution to ensuring Ireland is a safe and secure place for all. There will be a further opportunity for experts, communities and the public to share views when these proposals are published. I know the Minister looks forward to further engagement with the Deputy and all other stakeholders as she moves this important work forward as quickly and effectively as possible.

### **Brexit Negotiations**

**Deputy Jim O'Callaghan:** The *Financial Times* reported yesterday that the British Government intended to introduce legislation that would have the effect of not only undermining but breaking the withdrawal agreement entered into by the European Union and the Government of the United Kingdom. It was stated then that this was merely sabre-rattling or gamesmanship. Today, however, the Secretary of State for Northern Ireland, Brandon Lewis, informed Members of Parliament in the House of Commons that the British Government does intend to introduce legislation tomorrow that will "break international law in a very specific and limited way."

I was astonished when I heard that. I thought that it must have been a typographical error by the newspaper that reported it. I checked it, however, and, alarmingly, those are the words that were used by the Secretary of State for Northern Ireland. We know now that this is not gamesmanship or sabre-rattling. It is, instead, clearly an effort by a rudderless and reckless British Government to try to undermine the European Union regarding agreements reached previously.

What is the policy of the European Union and of the Irish Government in responding to this statement by the British Government? What we cannot do is become appeasers of a government that is blatantly engaging in breaches of international law.

**Deputy Ruairí Ó Murchú:** I thank the Ceann Comhairle for selecting this Topical Issue matter. It does not shock me that several Deputies have decided to row in on this issue. Deputy O'Callaghan has already said that we are talking about a breach of "international law in a very specific and limited way". It is an utterly crazy term. Initially, we thought that this was sabre-rattling and the British Government setting out a negotiating stance. However, then we had the news that Jonathan Jones, the head of the British Government's legal team, had resigned in connection with this issue.

We need an answer concerning what the EU is going to do and what the Irish Government is going to do. We are incredibly worried about what the British Government intends to do. This is a British Government that has missed every deadline connected with Brexit. We are also worried, if the British Government is willing to circumvent the Irish protocol and the withdrawal agreement, that we will have difficulties in the future. People in Border areas like Dundalk

are very worried about what the future will hold, not just from a business point of view but also from a societal perspective. We do not want to see the resumption of any kind of infrastructure, checks or anything like that on the Border, because that would be utterly unacceptable given the history we have in that area.

**Deputy John Brady:** The Tánaiste and Minister for Business, Enterprise and Innovation, Deputy Varadkar, yesterday described what was emerging about the British Government's approach as "sabre-rattling". Today, however, we heard that the Secretary of State for Northern Ireland, Brandon Lewis, has confirmed the intention of the British Government to introduce domestic legislation that would clearly breach international law and he stated that fact himself. That has major potential to impact on the Irish protocol.

Attempts by the EU's negotiators, over many months, to find compromises have not been reciprocated by the British Government. Indeed, the British Prime Minister, Boris Johnson, stated that he believes a no-deal Brexit would be a good outcome. That would certainly not be the case on this island.

We need to reiterate that a no-deal Brexit will not be a good outcome for this island and that the Irish protocol is not up for renegotiation and cannot be undermined. Will the Minister for Foreign Affairs and Trade, Deputy Coveney, assure this House that the Government has the capacity to add steel to the resolve of the EU as it confronts the egregious attempts by the Tory Bullingdon club to place itself beyond the pale of the international system?

**Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I welcome the opportunity to address Members of the House on this important issue. As Members will be aware, negotiations on the future partnership between the EU and the UK are ongoing. The eighth round of talks is taking place this week in London.

In accordance with the EU negotiating mandate, as Michel Barnier has repeatedly underlined, and as the Commission President, Ursula von der Leyen, stressed yesterday in her statement on the matter, progress on the future partnership is inextricably linked to the full implementation of the withdrawal agreement, a legally-binding international agreement between the EU and the UK, of which the protocol on Ireland and Northern Ireland is a central component.

I am aware of the briefings and comments regarding the UK Government's intentions concerning proposed legislation implementing the provisions of the withdrawal agreement. If those comments represent the considered view of the British Government, then I find them gravely concerning. While we still await publication of the legislation, earlier this week we raised the media reports and briefings on this issue with the UK through diplomatic and official channels to express our concerns, as would be expected. Rather than being reassured, however, my concerns have been exacerbated by the additional comments deliberately made in the House of Commons today, openly committing the UK Government to legislate to break international law regarding the withdrawal agreement. I have asked our ambassador in London to raise this issue directly with the UK Government this afternoon. Michel Barnier is also due to raise the issue with David Frost during their engagement today.

Clearly, any unilateral departure from the terms of the withdrawal agreement would be a matter of considerable concern and a very serious step. Our view is that such a departure could seriously erode and damage political trust, not only in the Brexit negotiations but also within Northern Ireland at a time of real sensitivity. Northern Ireland does not need this further un-

certainty regarding Brexit. The UK has a long and proud tradition of upholding international law and advocating for the primacy of the rule of law. Any departure from this tradition, particularly on an issue as high profile as Brexit, would have serious implications, not least for the UK's international reputation. We and the EU will continue to take a calm and measured approach. Time is short and we are very much focused on trying to get a positive outcome in the future relationship negotiations. Together, we will carefully analyse the detail of the legislation in question once it is published and I remain in close contact, daily, with the EU task force on this critical issue.

It is worth recollecting where we are at this juncture. The withdrawal agreement was agreed by the EU and the UK in October of last year. It was approved by the heads of all EU governments and received the assent of the European Parliament. It was signed and ratified by the UK Government and legislation implementing it was passed by the UK Parliament at the beginning of this year. The withdrawal agreement is a legally-binding international agreement between the EU and the UK and it is not even 12 months old.

From the beginning, Ireland's approach has been guided by the principle of securing a deal that worked for Northern Ireland and the island as a whole. The protocol includes provisions that avoid a hard Border on the island of Ireland, that recognise the Common Travel Area, protect continued North-South co-operation and protect the integrity of the Single Market and Ireland's place in it. It maintains commitments to ensure no diminution of rights, safeguards and equality of opportunity, as set out in the Good Friday Agreement. It maintains the single electricity market and reaffirms the commitment of the EU and the UK to the PEACE PLUS programme.

Let me be very clear. The protocol agreed as part of the withdrawal agreement is designed and empowered to operate in all circumstances, including in the absence of an agreement on the future relationship between the EU and the UK. The protocol represents a fair and balanced outcome for all parties, with compromises on all sides. It is surely not too much to ask that the UK Government will implement it in full respect of its international obligations and have it in place in time for the end of this year, when the transition period ends. I look forward to comments from Deputies.

**Deputy Jim O'Callaghan:** The Minister is correct to be gravely concerned. It is astonishing that a Minister of any government, in any part of the world, would attend before the parliament of that country and state that it is the intention of that government to break the law. What we need to learn, however, is that if we appease lawlessness we will end up only encouraging the lawbreaker. It is absolutely imperative that the EU is straight in dealing with this issue. We should not tolerate any attempts by the British Government to break the law. The provisions in Article 12 of the protocol set out what should happen for the purpose of implementation and what arises when there is a breach. However, everyone involved in drafting and executing that agreement presumed that there would be no breaches prior to the conclusion of the trade deal between the EU and the UK. If it is the case that the UK Government goes ahead and publishes legislation that breaks international law, we should break off the talks and the Minister should tell the EU that we should do that. As I said previously, appeasing lawlessness only encourages the law-breaker.

**Deputy Ruairí Ó Murchú:** It is absolutely unacceptable for the British Government to bandy about the idea that it is okay to breach international law. It is like playing poker with a guy who never keeps to the rules. It is an impossible and unacceptable position. It is almost

a throwback to previous imperial times when British Governments did deals and reneged on them. Considering where we have come from, this situation is utterly unacceptable.

I welcome what the Minister said. There is mitigation involved in the withdrawal agreement and Northern Ireland-Ireland protocol relating to the Single Market and customs. Those measures apply to businesses but this is also about the island we inhabit and cross-Border operations. We need any transition to be as seamless as possible. We do not want any impact on people's lives and it must be pointed out to the EU that the UK position is absolutely unacceptable. The Irish Government must remain firm that we cannot accept this position in any way, shape or form. As has been said by many people, a circumvention of the Irish protocol and all that can come from that without the necessary protections in place, will be utterly unacceptable to the people. There must be no impositions, including Border checks and infrastructure.

**Deputy John Brady:** I welcome some of the moves that the Government has made to get answers in response to what has unfolded over the past day or so. The Government is using diplomatic channels and going through the ambassador in London. That said, I was alarmed not to hear in the Minister's contribution that the Taoiseach has lifted the phone to talk to No. 10 Downing Street. I find it alarming that we are, essentially, sitting back and allowing this island to be used as some sort of political pawn in the game that Boris Johnson and the Tories are playing with the EU. It is astonishing. Why has the Taoiseach not lifted the phone to Boris Johnson to voice our serious concerns and objections to this attempt to rip up an internationally binding treaty? I appeal to the Minister to use his position to ask the Taoiseach to pick up the phone to Boris Johnson.

Has the phone been lifted to chief EU negotiator, Michel Barnier? Has a conversation been held at that level? If it has been, the Minister might give some details on it.

**Deputy Simon Coveney:** I reassure Deputies that there will be no appeasing of this approach. There will be no condoning a strategy that proposes to breach international law and undermine an agreement that the EU and UK signed together less than a year ago. That is why I, the Taoiseach, and others from various different political parties in this House, both in government and in opposition, have been saying similar things and expressing frustration and, quite frankly, surprise at the approach that it seems the British Government is proposing to adopt.

From my experience of Brexit negotiations, Ireland is empowered to influence final outcomes in its own interests by working as closely as possible with the EU task force. We speak to the task force on a daily basis and I regularly speak to Michel Barnier. On this issue, like so many others, I hope that we will have a significant input as to how the EU responds. We will be able to make a more informed choice as to how the collective EU, including Ireland, should respond to the course of action taken by the British Government when we see the legislation tomorrow.

Focus should not be taken away from the real prize, which is to get a deal that avoids tariffs and quotas being implemented on trade between Ireland, the UK and the EU next year. Despite the unwelcome distraction that this new problematic and illegal approach being taken by the British Government represents, we must focus on how to get an agreement between the EU and the UK that protects Ireland, both North and South, and ensure that, in January next year, we can continue to trade with our closest neighbour and friend in a way that minimises disruption and cost for businesses. Those are the issues on which Michel Barnier and I will focus. Despite the fact that the position that the UK has taken makes it more difficult to proceed on that basis,

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we need to remain calm, resolute and focused on the prize at hand in the coming weeks and months, although that will not be easily achieved.

### **Fishing Industry**

**Deputy Pádraig Mac Lochlainn:** Fishers all around our coast were shocked and outraged when they learned that the Taoiseach had signed off on the statutory instrument introducing regulations containing a penalty point system. Those fishers learned about this 11 days ago and I have spoken to many of them since. I was speaking to fishermen on Arranmore Island yesterday and they are absolutely shocked that the Taoiseach signed off on this when he voted against exactly the same statutory instrument in 2018. The Minister also voted against the proposal at that time. Both the Taoiseach and the Minister were right in how they voted on 29 May 2018.

The Minister will recall that, at that time, the then Fianna Fáil spokesperson on the marine, Pat The Cope Gallagher, introduced the motion. I have re-read what he had to say and he was spot on in his criticisms. Not only had he criticisms, he subsequently put forward amendments to the regulation that provided solutions to the problems he identified. The Dáil voted down a statutory instrument from a Minister for the first time on 29 May 2018 and it has not happened since, to my knowledge. The Dáil was right to do so because the contents of that statutory instrument and the one that has been passed in recent weeks were outrageous.

Imagine a scenario where a Garda issues penalty points to a driver. The driver says that he or she has done no wrong. The Garda then gets to select the judge who will hear the case and penalty points are still applied even though due process has not been exhausted. The driver then has no right to apply to a higher court. The same situation is happening here. The wording of the statutory instrument is incredible. It talks about decisions being made on the balance of probabilities. Under our common law system and Constitution, a person has a right to be presumed innocent until proven guilty. Those who are accusing a person, particularly when the State is the accuser, must prove his or her guilt beyond a reasonable doubt and yet the balance of probabilities is the standard under this statutory instrument.

There is also an issue around the Sea-Fisheries Protection Authority. A review is being carried out into that organisation but it is yet to be published so we do not know what recommendations it contains. There are serious concerns about the lack of accountability of the organisation. We are going to give them the right not just to detect but to adjudicate, something that is unheard of in the justice system.

The Minister will know we have tabled an annulment motion which is almost identical to that tabled by former Deputy Pat The Cope Gallagher in 2018. We have held back on it in good faith and I have been asked by fishing representative organisations to give them a chance to meet the Minister and put their case. We believe that fair play can prevail. I am aware that the Minister will meet fishing representative organisations soon. I ask him to resolve this issue because, as he said eloquently in 2018, he knows this is wrong.

**Minister for Agriculture, Food and the Marine (Deputy Charlie McConalogue):** Gabhaim buíochas leis an Teachta Mac Lochlainn for raising this issue today and giving me the opportunity to discuss it in the House. At the outset, I want to congratulate him on his appointment as marine spokesperson for Sinn Féin. Both of us come from the county of Donegal and will have fishing, the marine and aquaculture very much in our hearts and I look forward to

working with him very constructively in that regard, as I know he does.

We are discussing the European Union Common Fisheries Policy points systems regulations which were signed into force on 26 August by the Taoiseach and acting Minister for Agriculture, Food and the Marine, Deputy Micheál Martin. The 2009 EU fisheries control regulation requires member states to establish points systems in respect of serious infringements of the rules of the European Common Fisheries Policy. These rules are designed to ensure that fishing in EU waters is sustainable and that the long-term interests of fishing and coastal communities are protected by ensuring that our precious fishing resource is protected.

The points system is intended to complement the normal sanctioning system in a member state for serious infringements and to promote a level playing field on control within the EU. These systems were due to be implemented, as the Deputy knows, by 2012. Ireland is responsible for the control of all fishing activity by Irish and foreign fishing vessels in our 200-mile zone. The points to be assigned under the new statutory instrument will be applied to Irish and foreign fishing vessel licenceholders held responsible for serious infringements committed in Ireland's 200-mile zone. These new regulations are a requirement of EU law and, as has been the case since 2012, all other coastal member states have now implemented this EU points system. Ireland has been found to be in breach of its EU legal obligations as a result of our failure to implement them before this point.

As a result, the EU Commission, under infringement proceedings, issued a reasoned opinion to Ireland in July 2020 and has given Ireland three months in which to respond. The implementation of these regulations were already overdue, but obviously the urgency has been amplified by that reasoned opinion. In addition, the European Commission has formally suspended payment to Ireland of EU co-funding payments under the European maritime fisheries fund, EMFF, operational programme. This suspension will continue indefinitely until Ireland puts in place the necessary legislation and administrative systems to comply with the EU points system. Unless the regulatory lacuna is addressed immediately, we face an increasing financial cost for taxpayers.

EU funds for control and enforcement available to Ireland under the EMFF are €37.2 million over the course of the programme. As of September 2020, €13.5 million of those payments have been withheld. A further recoupment claim due to be submitted later this year will result in the figure withheld rising to €24.5 million. A total of €37.2 million is at risk for the full period of the programme.

The new statutory instrument takes on board in full the findings of the related 2017 Supreme Court judgment that the procedures followed must be fair and in accordance with best practices. It involves a determination panel comprising three independent legal professionals who have been nominated by the Attorney General and offers a licenceholder the option of an oral hearing for the purposes of the determination. In addition, a decision may be appealed to an independent appeals officer nominated by the Attorney General and the licenceholder has the option of seeking an oral hearing at this stage.

Under the statutory instrument, the accumulation of points for persistent serious infringements of the rules of the Common Fisheries Policy will lead to a suspension of a sea fishing boat vessel for a period of anything from two months to one year. In extreme cases, persistent serious infringements could lead to the permanent withdrawal of a licence. It is important to note that the EU control regulation provides that if the licenceholder does not commit within

three years from the date of the last serious infringement another serious one, all points on the licence will be deleted.

The new statutory instrument includes a number of, but not all, amendments sought as a result of consultations with industry. The new arrangements are the minimum required to meet the test of proportionality, effectiveness and dissuasiveness required under EU law. I am confident that the new enhanced points system will play an important role in delivering on our Common Fisheries Policy objective of ensuring proportionate, effective and dissuasive penalties for serious infringements and will contribute to a level playing field in fisheries control across member states.

The points system is necessary as an effective measure against the small number, either foreign or Irish, of those who break the rules. It is necessary to protect the vast majority of our law abiding fishermen from the few who might and would incur repeated serious infringements and put in jeopardy fish stocks for law-abiding fishermen for future generations. I am very aware of the concerns that have been raised by the sector, and will meet representatives to discuss them in due course to listen to and discuss the rationale behind the need for this statutory instrument.

**Deputy Pádraig Mac Lochlainn:** I thank the Minister. I wish him well in his brief and look forward to working with him constructively. He is, like me, from a coastal county and knows well the concerns of fishermen and the sense that they have been criminalised. The Department of Agriculture, Food and the Marine has been focused on enforcing rather than facilitating and supporting our fishing community to take the maximum wealth possible from our seas in order to have sustainable communities all around the coast. I am really alarmed at the range of fishermen in every sector I have spoken to who have no confidence in those at senior levels in the Department. A huge gap of distrust has built up. That is the problem with this statutory instrument.

The Minister and his colleagues rightly challenged this two years ago and did something unprecedented in the history of the State, namely, voting down a statutory instrument and asking the Government and the then Minister, Deputy Creed, to go back to the drawing board. Over two years later they have still not listened to the concerns of fishermen.

I understand the Minister will meet representatives of fishing organisations early next week. It is imperative he addresses the real and genuine concerns of fishermen. I have yet to meet a fisherman who has said to me that he or she does not believe there should be penalty points. They all support the principle of penalty points but there has to be fair and natural justice and the right to appeal must be in place as it is for any other citizen who is accused of an offence. The High and Supreme Courts have rejected the propositions drafted by the Department on a number of occasions. The Dáil has rejected its proposition. When the Minister meets fishing representative organisations and listens to their constructive ideas, a solution can be found to meet everybody's concerns.

I look forward to his meeting with representatives. I am acting in good faith in not pushing our annulment motion but if we do not see a genuine attempt to address these concerns, we will have to put the motion before the Dáil eventually. I hope that will not happen.

**Deputy Charlie McConalogue:** As I said, I will meet the sector next week. The Deputy and I both value their voice, contribution and what they have to say on behalf of the fishermen they represent. They very much recognise the need for an statutory instrument. My party

engaged thoroughly with them at the time in terms of their concerns and they were discussed thoroughly in the Dáil. The statutory instrument which has been signed takes on board some of the amendments proposed, including two in particular. Others which had been proposed were adjudicated as not being in compliance with ensuring that we can meet the requirements we are obliged to meet in order to comply with our obligations under the EU Common Fisheries Policy.

As I said, all other member states have already put a penalty points system in place. We are now being fined and in the past two months alone, that has escalated significantly following the reasoned opinion from the EU. It is important that we address this issue.

On the Supreme Court decision which found against the previous statutory instrument, the grounds on which it found against that statutory instrument have been addressed in this statutory instrument, which primarily focused on the need for the appeals part of the statutory instrument to be distinctly separate from the Sea-Fisheries Protection Authority, SFPA, and this statutory instrument achieves that. It has been drafted very much in line with ensuring that it complied with the previous Supreme Court decision and to meet and address all of those issues. The Supreme Court was only concerned with the administrative penalty point system which has been proposed and this statutory instrument takes on board what the Supreme Court would have found to have been at fault and had adjudicated upon. It also needs to ensure that we meet the key tests under European law. These are to ensure that we meet the tests of proportionality, effectiveness, and dissuasiveness, as required under EU law which are the reasons it is drafted in this way. I look forward to discussing with the stakeholders, and with Deputy Christopher O'Sullivan, in particular, who has been liaising with me on this. I also value the role former Deputy Pat The Cope Gallagher would have played in respect of this issue in the past. It is essential that we have a good workable statutory instrument that meets our EU requirements and protects fishermen to ensure that we protect those who are complying with the law and that the system that oversees this is fair. I will be meeting these groups and will be listening to their concerns and working with the sector to meet the challenges of Brexit in the period ahead, which is a real risk indeed. Gabhaim buíochas.

### **School Transport**

**Deputy Michael McNamara:** I thank the Minister for coming into the Chamber to take this Topical Issue matter.

As the Minister is aware, there are two types of people who benefit from bus transport. There are those who are determined to be eligible and those determined not to be eligible and who receive a concessionary ticket. As restrictions have been introduced, a squeeze has come onto people with concessionary tickets. From correspondence I have received into my office, much of which I have relayed to the Minister's Department, it appears that any and every excuse is being used not to grant people tickets or to determine that they are eligible.

In one example, I refer to a family that lives in Broadford, which if one looks at a map is more or less equidistant between Killaloe and Tulla. There are schools in Killaloe, and Tulla and indeed in Scariff, and this family is more or less equidistant between the three. In this particular family of seven members, four of the children went to Tulla with no problem whatsoever, leaving three children. Of the three children last year, two of whom were told that they were eligible to get a ticket to Tulla and one was told that the person was not eligible but could

have a concessionary ticket. The child did not challenge this and got onto the bus and this child and siblings went off to school to Tulla. This year the family have been told that none of the children are eligible and that they all must get concessionary tickets. The reason they have been told this is that Tulla is 16 km away and Killaloe is 18 km away by the normal road that the bus takes. There is also however what is called or considered a gap road which is a very beautiful road, and if the Minister ever wants to come mountain biking in Clare I would highly recommend this as it has fantastic views. One would want to have very good control of one's bike and to do this in summer because the road is exceptionally steep. Nobody and no school bus would drive that road. In fact there are parts of the winter when nobody can drive this road. I spoke to the council engineer, who generally does not exaggerate, and he told me this morning that when trees - because this road runs through forestry - fall on this road, the council tries to clear it as fast as possible. It is prone to flash flooding because it is very steep and is on the side of a mountain and the highest point in County Clare, which is the top of the Sliabh Bearnach mountains. When the road floods, as it does throughout the winter, the council tries to clear it as soon as possible. That road, which is simply not drivable by a school bus or indeed by a car for much of the winter, where one would need a 4x4 vehicle at best to traverse it, is the basis upon which Bus Éireann has said that these pupils are not eligible to go to Tulla but must go to Killaloe. This simply does not make sense. It may be in accordance with the terms and conditions from Bus Éireann which I have here, which state how distant eligibility is determined:

Distance eligibility is determined by Bus Éireann by measuring the shortest traversable route from the child's home to the relevant school/s. The shortest route is used for determining eligibility only, it may be either a pedestrian or vehicular route.

A pedestrian route is being used to determine which bus one should get. If children could go to school through the fields the parents would not be looking for a bus to bring them to school. It is simply ridiculous. I ask the Minister in her answer not to pawn this off on Bus Éireann because the school transport scheme is operated by Bus Éireann on behalf of the Minister's Department. Her Department pays for it and is ultimately responsible for education. I commend the Minister again on getting the schools back but the way the buses have operated leaves much to be desired. These parents found out five days before the school was to open that their children were no longer entitled to a ticket to go to Tulla, as did a number of other families in Broadford. Instead they would have to make their own arrangements. Carpooling is what is happening now, which means that children from different families are sharing cars by necessity. That is hardly what the Department of Education and Skills desires to bring about in these times when all of these precautions are in place. I look forward to the Minister's reply.

**Minister for Education and Skills (Deputy Norma Foley):** I thank the Deputy for raising this matter today.

Before I address the specific issue raised, I would like to provide the House an outline of the extent of the school transport service.

School transport is a significant operation managed by Bus Éireann, as the Deputy has noted, on behalf of the Department. In the 2019-20 school year over 120,000 children, including over 14,200 children with special educational needs, were transported in over 5,000 vehicles on a daily basis to primary and post-primary schools throughout the country covering over 100 million km at a cost of over €219 million in 2019.

The purpose of the Department's school transport scheme is, having regard to available

resources, to support transport to and from school of children who reside remote from their nearest school. Under the terms of the scheme, children are eligible for school transport if they satisfy the distance criteria, which are 3.2 km at primary level and 4.8 km at post-primary level, and are attending their nearest school as determined by my Department-Bus Éireann, having regard to ethos and language. All children who are eligible for school transport and who completed the application and payment process on time for the 2020-21 school year have been accommodated on school transport services where such services are in operation.

Children who are not eligible for school transport, but who completed the application process on time, are considered for spare seats that may exist after eligible children have been facilitated. Such seats are referred to, as the Deputy has previously stated, as concessionary seats. The provision of a seat on a concessionary basis in a given year does not confer any continuing entitlement for that user in following years as concessionary places are entirely contingent on there being spare seats once eligible users are provided for.

To date for the 2020-21 school year, Bus Éireann has issued or allocated tickets to over 97,000 children on the primary and post-primary school transport schemes, including tickets for over 26,200 concessionary applicants. The closing date for payment for the 2020-21 school year was Tuesday, 4 August 2020. The school transport scheme family portal was temporarily closed for applications and payments on 20 August 2020. This temporary closure was necessary to complete the work required to issue tickets to families who at that time remained due to be allocated a ticket for school transport services for the 2020-21 school year. The school transport scheme family portal has now re-opened. However, parents or guardians making an application or payment at this time for the 2020-21 year are reminded that while it is possible to submit a payment, payments made at this time are now considered late. Late applicants or families who pay late or both, both eligible and concessionary, are not guaranteed a seat and will only be allocated a seat if capacity is available once seats are allocated to those families who applied and paid on time for transport services for the 2020-21 school year.

In addition, applications and payments for post-primary seats completed or made after 4 August 2020 will be only considered when the 50% capacity required by new Covid-19 public health guidelines is achieved on each route. The timeframe for this will vary from route to route and may take a number of weeks to complete.

In the event of not securing a ticket where no capacity exists, or on cancellation, a full refund will be issued.

With regard to the review of the school transport scheme, as announced by my predecessor in October 2019, given the current evolving situation with Covid-19, the proposed review has been delayed.

*7 o'clock*

However, I propose to convene the steering group in the short term and to agree and supplement revised terms of reference to reflect the programme for Government, including an examination of issues such as the nearest or next nearest school.

I thank the Deputy for raising this matter and for affording me the opportunity to provide an outline of the extent of the school transport scheme and to respond.

**Deputy Michael McNamara:** The way this is being dealt with is unsatisfactory. Parents

have found out five days in advance that they were not entitled to a place. Furthermore, they are unable to contact anybody. They are told to ring a certain number and when they ring it nobody answers. In the unlikely event that somebody does answer, they are transferred to somebody else. The particular parent I cited, whose three children have been denied a place, showed up at the Bus Éireann office today and was told everyone was working from home. That is a common problem across the Civil Service. Given that the Minister sits at Cabinet, she might raise this issue at a Cabinet meeting.

I see the Minister for Foreign Affairs and Trade, Deputy Coveney, in the Chamber. Working from home is not really working for people who rely on public services. It may be working for civil servants but it is not working for people who rely on their services and cannot get through to someone at the end of a telephone line. These are ordinary members of the public who pay their taxes and hope to access services. That is a difficulty that has been encountered by me and my colleagues in my constituency office. We need to look at how working from home is actually working.

I want to go back to the specifics of this issue. This idea that the shortest route will be measured not necessarily by vehicular access but also by pedestrian access is ludicrous. The gap road, as it is called, is simply not passable by a school bus. It is not passable by a car either during much of the winter months, particularly if there is frost, a flash flood or if trees fall, as they do in Ireland. The Minister knows what mountain gaps are like; she lives in Kerry. I will send her video footage of this road during the week if she will agree to look at it and address this issue. It seems that every and any excuse is being adopted and used to deprive people of school transport. I appreciate that there are difficulties, and the Minister has difficulties, but I ask her to address that. I have agreed to give Deputy Danny Healy-Rae a couple of seconds of my time to raise an issue, if the Minister is agreeable.

**Deputy Danny Healy-Rae:** I have almost 140 children who cannot access school transport tickets-----

**Deputy Michael McNamara:** That is a lot of children.

**Deputy Danny Healy-Rae:** I would appreciate it if they could get them. All systems are closed down. Surely the Minister is not trying to achieve the 50% reduction on buses by denying children and parents the right to get their tickets as they always have done. Is that what is happening? Will the 50% reduction rule be achieved by not giving children the tickets they have always got? That is not fair or right. The Minister is from Kerry, as am I, and I am sure she must be inundated with calls about this matter. It is not fair to achieve the 50% reduction by not giving children bus tickets.

**Deputy Norma Foley:** That is absolutely not correct. In the first instance, as I previously outlined, all those who were eligible and had paid on time were given their tickets. Where there was extra capacity, concessionary tickets were made available. We are now doing a review of bus routes to meet the new guidelines issued by NPHET just one week in advance of the return to school so as to reach the 50% capacity. Where there is additional capacity after that, the concessionary tickets will be made available to those who have paid on time.

In response to the issue Deputy McNamara raised, I am not in a position to comment on individual cases.

**Deputy Michael McNamara:** Will the Minister look at the case?

**Deputy Norma Foley:** I most certainly will look at the cases the Deputy raised.

**Acting Chairman (Deputy Mattie McGrath):** I thank everyone for their co-operation. That concludes the Topical Issue Debate.

**Deputy Michael McNamara:** The proof of the pudding is in the eating.

### **Defence (Amendment) Bill 2020: Order for Second Stage**

Bill entitled an Act to amend the Defence Act 1954, and the Defence (Amendment)(No.2) Act 1979; and to provide for related matters.

**Minister for Defence (Deputy Simon Coveney):** I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Defence (Amendment) Bill 2020: Second Stage**

**Minister for Defence (Deputy Simon Coveney):** I move: “That the Bill be now read a Second Time.”

I am pleased to present this Bill to the House. As Deputies may be aware, the Bill was published earlier this year but it was not possible to progress it before the dissolution of the previous Dáil. Although it is relatively short, the Bill addresses some important matters.

Before dealing with the detailed provisions, I will outline briefly the background to the Bill. From time to time, there is a requirement to amend the Defence Act 1954, the primary Act relating to defence matters, to address ongoing issues which arise in respect of the Defence Forces. The purpose of this Bill is to make a number of miscellaneous amendments to the Defence Act to update certain provisions.

The principal issue dealt with by this legislation relates to overseas operations as well as the provisions in the Defence Act for the enlistment of minors. In addition, the opportunity has been taken to make a number of other minor amendments to the Defence Act.

In advance of outlining the provisions of the various sections, I refer to section 4 of the Bill. This section amends the Defence Act to provide, in certain circumstances, for the re-enlistment of former members to the Permanent Defence Force to fill specialist appointments. However, as Deputies will be aware, this particular amendment to the Defence Act was accelerated and enacted pursuant to the Emergency Measures in the Public Interest (Covid-19) Act 2020. Accordingly, I will move an amendment on Committee Stage to delete section 4 from the Bill. Although re-enlistment is no longer being dealt with by this legislation, I hope to have an opportunity during my closing statement to update Deputies regarding the scheme for the re-enlistment of formerly enlisted persons, which is an important part of our current recruitment efforts.

On the main provisions of the Bill, section 1 provides definitions for key terms used in the

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Bill. Section 2, insertion of section 17A in the Principal Act, inserts a new section into the Defence Act 1954 to provide for the delegation by the Minister for Defence of a limited degree of control and authority, referred to as operational control in the Bill, over a Defence Forces contingent deployed as part of an international force to the force commander of that force.

The purpose of the amendment is to underpin and provide legal certainty in respect of existing practice. Where a contingent of the Defence Forces is deployed overseas, a limited degree of control and authority over that Irish contingent is delegated to the force commander of that force. This is done by means of a written direction to the Irish contingent commander from the Minister for Defence. This has been the case since the first deployment of the Defence Forces on peacekeeping operations decades ago. This limited delegation of authority is necessary to allow for the efficient operation of a mission with which the Irish contingent is serving.

The amendment provides legal certainty in respect of the long-standing practice of delegating such authority to the force commander. It will not alter, in any shape or form, the current command structure within the Defence Forces and full command of the Irish contingent will remain with the Irish Defence Forces command.

Specifically, the amendment provides that a delegation of operational control by the Minister for Defence to the force commander will be in writing and may be subject to such exemptions and limitations as the Minister may determine, having had regard to such requirements as are necessary for the efficient operation of the mission concerned.

I will explain briefly the exemptions and limitations that would typically be included in a delegation of operational control. First, a delegation of operational control relates to a particular mission. The principal exception and limitation included in a delegation is that the Irish units and sub-units of the Irish contingent assigned to the mission are at all times under the command of an Irish officer. In this regard, the amendment specifically provides that a delegation of operational control does not include the authority to assign separate employment of any component of the Irish contingent that has been assigned to the international force. This means that an officer of the Irish Defence Forces always remains in overall control of the deployed units and personnel of our Defence Forces. In addition, matters relating to discipline are not included in a delegation.

This amendment will allow the military police component of an international force, under the authority of a force commander, to arrest and detain a member of the Irish Defence Forces serving with the international force in question, in appropriate and relevant circumstances. This, however, is subject to the member in question being handed over to Irish military authorities as soon as is practicable. Any subsequent disciplinary issues that may arise may only be dealt with by the Irish military authorities.

The other principal exceptions and limitations in a delegation of operational control relate to the safety and welfare of the members of the Irish contingent. As previously advised, the amendment reflects the existing long-standing practice on overseas operations. Its sole purpose is to ensure that there is an explicit legal basis for the long-standing practice on delegation of operational control, OPCON, which, I am advised, represents a lacuna in the legislation.

It is not unusual that, on foot of case law, issues arise whereby the enabling authority of legislation, as had been understood, is found to be deficient and requires amendment. That is the case in this instance and this section rectifies that. It has been developed following extensive

consultation with the Office of the Attorney General and the Defence Forces so as to arrive at a reasonable balance of providing the limited essential control to be provided to commanders of international United Nations forces, consistent with the Constitution and the Defence Acts. I assure the House that the delegation in no way undermines overall command of the contingent by the Irish authorities, as provided for in the Constitution and the Defence Acts.

The purpose of sections 3 and 7, which relate to the non-enlistment of minors, is to make a number of amendments to the Defence Acts to remove the references to the enlistment of minors. Historically, minors were allowed to enlist in the Defence Forces but this has not been the practice for a number of years. In this regard, under regulations made pursuant to the Defence Act 1954, persons under the age of 18 are not allowed to enlist in the Permanent Defence Force or the Reserve Defence Force. However, notwithstanding these provisions, the Defence Act 1954 still contains references to the enlistment of minors. These amendments remove any such references. The amendments give full effect, in the Defence Act, to the optional protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

Sections 5 and 6 make some minor amendments to the Defence Act and provide for the repeal of section 318, which is redundant. Section 5 provides for a minor amendment of section 178E of the Act, which deals with appeals to summary courts-martial. The amendment clarifies the timeframe in which a summary court martial may consider an application for an extension of time to submit an appeal to the court martial. An appeal or an application for extension of time to submit an appeal must be submitted within a defined period. The current arrangements are rigid and can cause difficulties if a military judge has insufficient time to consider an application for an extension of the period to bring forward an appeal. This amendment will allow a more flexible timeframe during which a summary court martial may consider any such application.

Section 6 makes some minor amendments to the Defence Act to provide for the restatement in modern form of section 74, relating to the discharge of reservists elected to public office and the repeal of the now-redundant section 318. Section 318 provided that service with the Defence Forces during the emergency period of the 1940s might, subject to certain conditions as might be determined by the Incorporated Law Society of Ireland, be reckonable for apprenticeship purposes in the case of a person who served with the Defence Forces during this period and who had entered or subsequently entered into an apprenticeship with a practising solicitor. Obviously, the provision is now obsolete and needs to be repealed.

Section 8 is a standard provision dealing with the Short Title to the Bill in addition to arrangements for the commencement of the legislation.

The general scheme of this Bill was previously referred to the then Joint Committee on Foreign Affairs and Trade, and Defence for consideration as to whether there was a requirement for pre-legislative scrutiny. Having considered the heads of the Bill, the joint committee decided not to proceed with pre-legislative scrutiny. That is understandable because what we are doing legislatively is so straightforward. While this is mainly a Bill that is designed to tidy up existing legislation, the main provisions concern important matters that do need to be addressed. I am pleased, therefore, to submit this legislation for the consideration of the House. I commend it to the House and look forward to colleagues' comments.

**Acting Chairman (Deputy Mattie McGrath):** Sinn Féin Party has four speakers for its slot beginning with Deputy Clarke.

**Deputy Sorca Clarke:** This Bill is in some ways an exercise in legislative housekeeping, involving the dotting of i's and crossing of t's, or tidying up, as the Minister said. While the Government might regard this as necessary, members of the Defence Forces have a vastly different view of what is necessary. One serving member said to me today: "What have they got against us? They have nothing to offer us for the future if they only see us through their rear-view mirror." It is words like these that I hear consistently when I speak to members and their representatives but I also hear about their passion for their service, their commitment and the respect they have for the duties they hold. I refer to commitment and respect that they do not see reciprocated by the Government.

The level of pay in the Defence Forces is beyond needing to be addressed and rectified. It is ludicrous that one arm of the State pays members' wages while another arm of that same State recognises the pay is so poor that it supplements it through welfare supports. One member of our Defence Forces on a working family payment is too many. The number who are the price of a loaf of bread above the qualifying threshold is a damning indictment. I have spoken this week to serving members who have gone without to meet their children's back-to-school costs. I have no doubt that circumstances like these are replicated across the country based on the current employment level in the Defence Forces as a whole. Our Air Corps and Navy are short nearly one fifth of the personnel they require. The unfilled positions in the Army represent more than 9% of its strength. It is obvious that pay is a significant factor regarding these vacancies.

Since the outbreak of Covid-19, our Defence Forces have respectfully, professionally and diligently gone about their duties. They rallied behind their front-line colleagues in the HSE and elsewhere. They have provided tracing, testing, transportation and construction services. Some overseas members saw their return home delayed because of the pandemic. Civil Defence volunteers throughout the country provided tens of thousands of hours of practical assistance to the community, voluntary and statutory sectors, yet the new vehicles in the Civil Defence did not come from departmental moneys but from an application to the Dormant Accounts Fund. Yet again, another arm of the State is plugging gaps in the Department of Defence.

PDFORRA has stated there can be little doubt that investment in the greatest resource the Defence Forces have, its members, is an absolute necessity. There is no point in having ships, armoured personnel carriers and new aircraft worth millions of euro sitting in docks, garages and hangars without the crew to man and maintain these valuable assets of the State.

JPMorgan recently advertised a transition programme for those who have left the Defence Forces because it recognises what successive Governments have failed to recognise, namely, key skills and service. JPMorgan wants its next group of leaders to be result-focused, adaptable and motivated and to work well under pressure. It recognises qualities of this kind in our Defence Forces. The skills in question are learned and honed in the Defence Forces and it is the State that should be valuing them through proper pay and conditions, and benefiting from them while members continue to serve.

It is vital that those who have served be respected and supported upon discharge. Just weeks ago, we learned that the surviving soldiers of Jadotville will not be awarded the medals for bravery recommended by their commanding officer almost 60 years ago. There was no hero's welcome for those who fought in Jadotville. They were portrayed by some as a national embarrassment. Instead of receiving full recognition for the courage and competence they showed, they were isolated, ignored and forgotten. These men helped to shape Ireland's stellar international reputation today for providing well-trained and resilient UN peacekeepers. This

situation must be rectified and those medals awarded. The requests of veterans are minute in comparison to their service. The reference to a veterans' policy in the White Paper on Defence in 2015 was a step in the right direction. However, it must now continue to conclusion. Given their service to the State, veterans deserve tangible commitments to assist in their transition to civilian life. A charter must include addressing the needs and securing resources to support employment, housing, health, educational opportunities and a single point of contact that can provide independent and confidential information and advocate on their behalf.

Worryingly, no specific data have been correlated relating to the challenges veterans are affected by due to their service. We have circumstantial evidence and conjecture regarding the level of marital and family breakdown, suicide, post-traumatic stress, homelessness, substance misuse and dependency. Without clear data on which to base an estimate of current need, future needs of veterans will continue to fail to be met.

What is needed now for our Defence Forces is an urgency in the work to address the retention and recruitment crisis and the concerns raised by veterans. We need to ensure those serving in the Defence Forces are listened to, respected and guaranteed a level of pay in order that they can not only meet the fundamental basic needs of their family but also ensure that a career in the Defence Forces is a viable and attractive option for new recruits.

The Government has been warned that unless the situation of recruitment and retention is reversed, the Defence Forces will continue to haemorrhage skilled personnel and find it increasingly difficult to carry out its various roles in protecting State security, our fisheries, overseas peacekeeping missions and the mounting anti-drug trafficking operations. There is a level of dysfunction in the Defence Forces system. When will real and meaningful policies and actions be put in place to address this?

**Deputy John Brady:** The Irish Defence Forces has a proud tradition of service, be that with the forces of the United Nations, often in some of the most dangerous places across the world, patrolling our coasts or, indeed, our skies. It would be remiss of me to neglect to mention the incredible record of our Naval Service in the Mediterranean where it was responsible for saving thousands of lives.

What we have before us today represents a series of minor but necessary amendments to the Defence Act 1954 to which Sinn Féin intends to give its support.

While we address these Government amendments today, however, it is incumbent upon the Minister to take heed and give voice to an understanding and undertaking to address the wider number of important and, not merely necessary, but critical, issues that currently beset the Defence Forces.

To give our forces commander on the ground operational control over the military contingent when it is engaged in an overseas operation appears to be common sense. However, to put in place circumstantial constraints on the ability of the forces commander or the troops on the ground by threatening their capacity to function in a professional manner is completely unforgivable, as is standing over the situation where the Defence Forces are starved of the personnel necessary to staff military contingents. Moreover, the continuing loss of skilled personnel to drive to the private sector is a huge drain on the operational capacity of the Defence Forces. It also is unforgivable to equip the younger staff contingents of the Defence Forces with resources with a questionable fit-for-purpose tag and it is unforgivable to house those who serve in our

military in habitation that is not fit to keep animals. Some barracks in this country have raw sewage running down the walls. Exposing members of our forces to dangerous chemicals which, in a number of instances has resulted in life-altering consequences, and then stonewalling on the issue, is unforgivable. As for sending our forces on operational assignments without the moral imprimatur of the Dáil, without UN mandate and in clear breach of our principle of neutrality, it is unforgivable. These are all unforgivable and all the more so because they are avoidable.

If a second wave of Covid-19 emerges, our country will once again depend on the commitment, courage and professionalism of our front-line services. The Government will no doubt turn to the Defence Forces to provide the personnel and logistical support it has provided in the past but yet the pay and conditions under which our Defence Forces labours represents the lowest of all the country's front-line services. The Government needs to give a commitment to address these issues and act on it.

On another important point, I must pointedly ask the Minister whether the previous Government, of which he was a member, instruct Defence Forces personnel stationed in Mali - without Dáil consent, it must be said - to train members of the Malian army that was subsequently responsible for the recent coup within that country. While I support the amendment, a force commander should possess operational control while on an overseas mission. However, any and all missions conducted by the Defence Forces most fall unconditionally within the constraints of the triple-lock system whereby it is a decision by the Irish Government to undertake the mission, not a directive from an EU army, and that the mission has secured the approval of the Dáil and the authorisation of the United Nations. We cannot continue to allow a situation to emerge where this country is creeping towards active participation in a continental army under such EU structures as permanent structured co-operation, PESCO. We need to ensure that the principle of neutrality becomes enshrined in the Constitution through the holding of a referendum.

We are also being asked today to pass an amendment which relates to the rights of children in armed conflict to which, again, I intend to voice the support of Sinn Féin. Has the Minister ever taken the time to consider the impact of the failure of the Government to recognise the state of Palestine on the children of Gaza, the West Bank and the countless villages displaced to accommodate colonists? I argue that this failure contributes to the depredations of an Israeli armed military that takes licence to indiscriminately inflict violence upon the Palestinian people, including children, from the failure of the international community to hold them to account.

I wish to conclude on the amendment which the Minister is going to bring forward to remove the provision for the re-enlistment of former enlisted persons because that has become part of other legislation.

**Deputy Simon Coveney:** It is already done.

**Deputy John Brady:** I wish to raise a serious concern. A response to a parliamentary question I received at the end of July states that only 17 former members of the Defence Forces have re-enlisted. That clearly shows there are serious issues here and the Minister must ask himself why people are failing to re-enlist in the Defence Forces. The whole issue of pay and recruitment is a serious one. That we have a situation where two of our naval ships in this State are tied up at any point is a gross indictment on the Minister and, indeed, on the Government.

**Deputy Thomas Gould:** The fact we hear stories about members of the Defence Forces

having to sleep in cars, or that someone who is employed by the State and engaged in such critical work is unable to afford to live on their wages, is a scandal. Both this and previous Governments have ignored representations from my colleagues and members of the Defence Forces regarding the pay and conditions under which they work. Last Saturday we were told make some noise for front-line workers. This, in itself, was great idea to show our appreciation, as a people and as a country, for the unbelievable work done by the front-line workers. Workers such as those in the Defence Forces need more than a clap or people standing up and thanking them for their work. They need proper pay and conditions. During the Covid-19 crisis they stood up and when the country was in its greatest need, front-line workers as well as those in the Defence Forces did everything they could to look after the most vulnerable in society and keep the country going.

I welcome today's announcement that there might be another public pay agreement. However, will the Government allow union representation in the Defence Forces to be part of those pay discussions? They should be included and I am asking the Minister to give that commitment. Will they be allowed to affiliate to the Irish Congress of Trade Unions? In the past, members of this Government and previous Governments have campaigned and lobbied for the pay and conditions of members of the Defence Forces. We now have a new Government. I was on the picket line with the Debenhams workers 152 days ago when the dispute started. Members of other political parties were standing protesting with those Debenhams workers. However, with this party now in government, those Members have gone missing in action. Will those Members who stood up for those in the Defence Forces in the past stand up now and support them?

The Naval Service is short 211 personnel, with 139 leaving last year. The Army is short 704 personnel, with 655 leaving last year. The Air Corps is short 162 personnel, with 88 leaving last year. Today I rang a member of my club who is in the Defence Forces and asked him if he wanted me to raise anything. He asked why people in the Defence Forces must have two jobs to raise a family and pay a mortgage. They are working as barmen and doormen, and are delivering pizzas because they cannot live on the wages they get in the Defence Forces. That needs to be addressed.

**Deputy Patricia Ryan:** I welcome the legislation which is very much a housekeeping Bill and is long overdue. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted by the United Nations General Assembly in May 2000 and it entered into force in February 2002. It has taken 18 years to change the law to remove references to minors in the Defence Forces.

The Bill also includes a number of amendments to the Defence Act 1954 to facilitate the re-enlistment of suitably qualified former enlisted members of the Defence Forces to fill certain positions. This is also very much overdue as we saw by the delays in re-enlisting Defence Forces personnel at the start of the Covid crisis.

While discussing reforming old laws, I ask the Minister to review the Curragh of Kildare Act 1961, as the Department of Defence is not the best authority to manage the public areas of the Curragh. The Curragh is the jewel in Kildare's crown and it is being held back by agency squabbles and underinvestment. The filling in of the hollow next to Donnelly's Hollow by the Department of Defence has shown that the Department does not have the best interests of the Curragh at heart. The Department needs to come clean on its role in this disgraceful debacle. Kildare County Council needs a stronger role in the management of public areas in the Curragh.

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We need proper investment in cycleways, walking trails, lighting, parking, CCTV and footpaths linking the peripheral areas of our towns to the Curragh.

Also long overdue are proper pay and conditions for members of the Defence Forces. The Defence Forces are an extremely important part of the country and are particularly important to County Kildare. The Government needs to engage with RACO and PDFORRA to ensure the Defence Forces get what they deserve. They are suffering from years of neglect by successive Governments. There are a number of simple steps to end this neglect. PDFORRA should be allowed to affiliate to the ICTU and scaremongering talk about striking soldiers needs to stop. The commission on the future of the Defence Forces needs to be established without delay. It needs to have a representative of the Wives and Partners of the Defence Forces group. This group has spoken out where Defence Forces personnel could not and has been courageous in making representations on their behalf.

The promises made under the high-level implementation plan as part of the Public Service Pay Commission need to be delivered. How can PDFORRA ask its members to sign up to any new pay deal in the absence of these promises being delivered? We need a plan to bring the Defence Forces back to full operational strength immediately. The plan needs to start with proper pay. It is no wonder we have a recruitment crisis. A new recruit with one year's service takes home €350. We need to appreciate our Defence Forces more. Applause at 3 o'clock every odd Saturday will not pay the bills. Some 20% of the families of enlisted personnel are in receipt of family income supplement. This is an absolute scandal. Having spoken to members of the Defence Forces, it is very clear that they have a great sense of pride in being a member. Many of them have family traditions and these need to continue. This is a case of family pride and I ask the Minister to solve the problem.

**Deputy Brendan Howlin:** I am very glad to have the opportunity to speak on the Defence (Amendment) Bill 2020. It is a while since I spoke on a defence matter. I apologise to the Minister for missing his speech. I am very anxious to hear the Minister's presentation of any legislation before I speak, but I am afraid because of the earlier votes in the House I was caught up in the Committee on Dáil Reform and missed the Minister's speech.

There is considerable merit in some of the commentary I heard about how we, collectively as a House and through successive Governments, have dealt with our Defence Forces. It is a matter of instruction to all of us that it is some time since we had a stand-alone Minister for Defence of Cabinet rank. That has an implication for how we have dealt with our Defence Forces in recent decades and the voice of the Defence Forces in determining policy. I have great faith in the Minister. I know from working with him in the past that he has a great appreciation of the role of our Defence Forces. We have all looked at the role of the Defence Forces, called upon in every emergency. We need to respect that in more than applause and declarations of support. We need to be very practical.

Whenever I was abroad in any capacity representing this country, I often came across former Defence Forces personnel in very senior positions internationally. We train particularly our officer corps here very well. They are very competent and able people. We need to ensure they are given the supports to maintain themselves in the Defence Forces and that we continue to attract the best and brightest to serve our country in the way that they have.

The Defence Forces need considerable support to lift morale. That is a simple inescapable fact. It boils down to three things, namely, pay, conditions and equipment. In any society giv-

ing proper pay is ultimately a significant determinant of the status in which a public servant is held. Some supports have been increased recently, but we need to go further. I echo - I think I can do this from a unique perspective - the view that we are now about to embark on a new successor pay round. All of us would have hoped that we would have done it in the most positive of economic circumstances, but unfortunately that is not the case. As the person who was involved in negotiating the last two pay rounds but one, I recognise it is important that we now find a really effective mechanism to include those who were not formally included in the ICTU negotiations. They should not be left sitting in a room to be consulted after the fact but should be intrinsically involved in the negotiations. I genuinely hope that can be done. I see no difficulty in recognising PDFORRA or allowing it to formally be part of the Irish Congress of Trade Unions. It is a very straightforward and acceptable issue. Trade union membership within defence forces is certainly not an unusual phenomenon across Europe. I do not know why we should not follow suit in that regard.

With regard to equipment, as the Minister knows, some progress was made in our own time. Good modern ships were provided for the Naval Service and the process of replacing some Air Corps equipment was started. The two CASA aircraft have to be replaced. Will that happen this year? I believe the replacements are to arrive this year or early next year. The first of the other replacement aircraft has already come into service. It was advanced because of Covid and there are more to come. With regard to equipment, we must ensure that the capital allocation needs of the Defence Forces are understood and provided for. The Defence Forces capital requirements have never been top of the list. That applies to accommodation above all else. We need to ensure, particularly in this time of Covid, that proper individual modern accommodation is provided. These are issues to which we can return.

The role of the Defence Forces in all emergencies and particularly in the current Covid emergency cannot be overstated. We are very proud of their role internationally as well as domestically. We need to support them practically.

I will now deal with the provisions of this particular legislation. I have read the Bill and it is unusual. For what seems like the first time, the Bill provides a legislative basis for the role of a force commander in exercising operational control over a Defence Forces contingent in a United Nations or other international force. I missed the Minister's speech but, as I understand it, this simply provides legislative underpinning to current practice.

**Deputy Simon Coveney:** It is the current practice, yes.

**Deputy Brendan Howlin:** That is what I understand. Under the Defence Act 1954, the military command of, and all executive and administrative powers in respect of, the Defence Forces, including the power to delegate command and authority, are exercisable by the Government through and by the Minister for Defence. In other words, officers exercise military command through the delegated command authority of the Minister. One might wonder why the Minister could not then make a delegation order to cover this point. As far as I understand it, the answer seems to be that this is about the exercise of command within an international contingent rather than command over domestic forces, even domestic forces serving abroad. One presumes such a contingent would be a hybrid force comprising Irish and non-Irish troops. The new section would permit the Minister to delegate a limited degree of control and authority, defined in the Bill as "operational control", over a Defence Forces contingent deployed as part of an international force. That authority would be delegated to the force commander of that force. I believe the point is that the force commander need not necessarily be an officer of the

Irish Defence Forces. Is that the case?

**Deputy Simon Coveney:** That is correct.

**Deputy Brendan Howlin:** The definition of “operational control” is:

the authority delegated to a Force Commander in respect of a contingent assigned to him or her so that the Force Commander may—

(a) accomplish certain missions or tasks which are limited by function, time or location,

(b) deploy the contingent, and

(c) retain or assign tactical control of the contingent,

but does not include the authority to assign separate employment of any component of the contingent.

I read these particular lines of the Bill a couple of times to try to understand them. I do not know what the “the authority to assign separate employment of any component of the contingent” means.

**Deputy Simon Coveney:** It is a matter for an officer in the Irish Defence Forces to do that because he or she will have control of his or her contingent.

**Deputy Brendan Howlin:** We will debate this when the Minister is responding.

**Deputy Simon Coveney:** We can go through it in some detail on Committee Stage. I will explain it then.

**Deputy Brendan Howlin:** The Bill envisages an order by the Minister for Defence which spells out the delegation and specifies what is not delegated.

**Deputy Simon Coveney:** Yes.

**Deputy Brendan Howlin:** We will see that. It seems the right thing to do. I just wanted to understand what exactly that line meant.

As other speakers mentioned, the Bill also includes a provision which enables the State to give full effect to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by deleting provisions relating to the enlistment of persons under the age of 18. As I understand it, this again simply reflects existing practice. I am certainly not in any way advocating that those under 18 be recruited into the Defence Forces but one thing did occur to me. In the past, the Defence Forces had a very good reputation for taking in and training apprentices, school-leavers, and giving them incredibly good skills. Is that precluded by the Bill? Does that happen now or does one have to reach the age of 18? In the past, if people were just not suited to academic life and wanted to become an Air Corps mechanic or something like that at 17, they could be trained in. I do not know whether such apprenticeships are excluded.

Across government, and under previous Governments, there is now a great emphasis on the provision of apprenticeships and on avoiding having only one track, that of academic train-

ing. It is sought to give people skills bases in a whole range of disciplines. We now encourage every big company to take on apprentices and the State itself should be part of that. When the Minister is replying, will he make some mention of how apprenticeships are structured within the Army and of how it is envisaged that the old apprentice corps will hopefully not only be maintained but expanded? This will give trainees further training and proper accreditation at the end so that their skills bases will be formidable, enabling them to find gainful employment in the general economy.

As has been referenced, when the Bill was first published in January, it included other sections relating to the re-enlistment of formerly enlisted persons. As the Minister knows, these measures have now been encompassed in the Emergency Measures in the Public Interest (Covid-19) Act 2020, which the Houses passed in March. They will therefore be taken out of this Bill, although they were included in the original Bill. It is, however, a salient fact that so few have re-enlisted. I thought the Minister might be about to contradict the numbers given to the House with regard to people who had re-enlisted, although they were given by way of parliamentary question. It seems-----

**Deputy Simon Coveney:** There is a difference between the numbers who have re-enlisted and the numbers who have applied to re-enlist. Hundreds of people have applied.

**Deputy Brendan Howlin:** Is there----

**Deputy Simon Coveney:** I will give the Deputy the details.

**Deputy Brendan Howlin:** I know that. I am sorry; I know it is not in order and I apologise but I find it helpful to have a banter with the Minister. When we were passing the omnibus Bill in March, we assumed there would be a facility for people who wanted to re-enlist to be welcomed back. If there is a big disparity between the numbers who have applied and the numbers who have been accepted, it would be interesting to hear why that is the case and, perhaps, the categories of people involved. That is again something the Minister might return to in his reply.

In essence, this is largely a technical tidying Bill that proposes to formalise in statute law practices that are already the norm. For that reason, I do not think anyone in the House will have any difficulties with them but they do feed into the bigger, more general debate about our Defence Forces, and about issues of pay, conditions and proper support where equipment for our armed forces is concerned. Most of us in the House agree that we still attract people of the highest calibre into our armed forces, that they perform to the highest level whenever they are asked, either in domestic crises or international situations and that they always inspire pride. In any commemorative event we always turn to our Defence Forces personnel to provide the solemn authority to many public events. On the other side of the Atlantic, there is a debate going on about respect for the military but it behoves us to not only manifest that respect, regard and genuine appreciation for the work of our Defence Forces by what we say but to do that by giving them the pay, conditions and the right to be represented that is contingent on holding the status we want to give them.

I ask the Minister to specifically respond to the request, as we embark on a new comprehensive public sector pay round, as to how and in what form are our Defence Forces to be represented in order that they are not, as I said, in a room outside the main negotiating room being told what is going on, but actually are having input in the discussions and are beneficiaries to the fullest extent of any improvements negotiated across the public services.

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**Acting Chairman (Deputy Mattie McGrath):** Deputies Richmond and Colm Burke are sharing time. I remind Members that at 8 p.m. I have to move the adjournment.

**Deputy Neale Richmond:** I will speak very briefly and then hand over to my colleague. I welcome the Bill. I believe this is the first Bill the Minister has brought to the House since returning to the defence portfolio. It is an extremely welcome appointment and I wish him well. Given the two briefs he now holds as a Cabinet Minister, he is a glutton for punishment but this is certainly something that is well-suited to his skill set and vast knowledge of the area.

I want to talk about the specifics of the Bill. The first point I wish to speak to is the powers and abilities of force commander. Deputy Howlin spoke very eloquently about the three areas which are key for maintaining that retention and indeed attraction in recruitment. I would like to add a crucial fourth area: purpose. What is the purpose of our Defence Forces going forward? What is their role domestically, and crucially, what is it internationally? I was very disappointed to hear Deputy Brady talk about the notion of an EU army. It seems to be a very quick thing that is casually thrown in. However if we are serious about the role of our Defence Forces and the role of our country in the world, we have to look at the international partnerships that our Defence Forces undertake, particularly our international peacekeeping role that was so vital in securing a seat on the UN Security Council in an effort led by the Minister himself. We must look also at the role within the EU, the role in the Mediterranean and the role within the permanent structured co-operation, PESCO. That ability and purpose, through all members of our Defence Forces in each and every branch, is so vitally important.

It is so important that the Convention on the Rights of the Child has been incorporated properly. As someone who, unfortunately, in a previous life worked with former child soldiers as part of a rehabilitative process in Africa, I know how scarring it is and how aware we have to be within our own Defence Forces, as well as in our work with other defence forces and in the most difficult situations to protect all children when it comes to conflict.

Finally, one area of the Bill that has gone through already and which has been mentioned, is retention and re-enlistment. This is a great missed opportunity, not in regard to the 17 people who have re-enlisted as was said by other Deputies. There is another way we can do this and I ask the Minister to perhaps look at a later stage at what the role of the Reserve, formerly An Fórsa Cosanta Áitiúil. We are missing a really clear opportunity to bring back people who have left the Defence Forces for very many reasons - not always pay and conditions - which I hope will be properly looked at. How do we maintain access to their talent and their skill set and how is that done in other jurisdictions? We all know of former Vice President Biden's late son Joseph Biden Jr., who enlisted and played a very important role in the US Army National Guard. Members of Parliament in the UK, with whom the Minister and I deal regularly, maintain a connection with the British armed forces and can use the skill set they acquired there while performing a very different role. I believe our commitment to Óglaigh na hÉireann - the only Óglaigh na hÉireann we have ever had in this State - comes through not just our capital investment but our human investment. This technical Bill achieves that in so many ways. I wish the Minister well and look forward to speaking at further stages.

**Deputy Colm Burke:** I very much welcome this Bill. While it has been practice, it is important that it is also put in a legislative framework and that is what this Bill does. Even though the practices have been in place for a long number of years, it is important that it is now covered by legislation. It is about the delegation by the Minister of a limited degree of control and authority over a Defence Forces contingent deployed as part of an international force to the force

commander of that force. It is important that that is set out clearly and that is what the Bill does.

It deals also with the issue of age of enlistment. There has not been a practice of taking in people under 18 but I understand that many years ago, people as young as 14 or 15 were taken into the Army band. That practice has changed and the legislation now deals with the issue so we are complying with the Convention on the Rights of the Child by putting it in legislation.

As someone who has had the privilege of visiting an Irish Army operation overseas, it is only when one goes to an operation that one sees the challenges that the Irish Defence Forces face. I had the privilege of travelling, on my own initiative, to the Sudanese border in Chad. Even though that operation was under a UN mandate, it was an EU operation. It was about providing protection for 570,000 people in refugee camps and internally-displaced persons, IDP, sites. I saw the challenges our Defence Forces had to face. Everyone in the area carried a gun and not just an ordinary gun but a machine gun. That was the kind of challenge the Irish Army had to deal with in an area where temperature were ranging between 40°C and 50°C. It was a really challenging climate and a really challenging time. It is only when one sees this that one sees the contribution of the Defence Forces. We were lucky in that operation, insofar as even though it was an international deployment of troops, it was under the control of an Irish commanding officer at that time, and they did it very successfully.

After visiting that site, it was interesting to be at a committee of the European Parliament and to hear a member of the British army giving a report of the operation and saying that the Irish Army had achieved more in six months than the army from another country which had been in Chad for over 30 years. In other words, the Irish Army had achieved more in six months in actually getting people to work together rather than getting into a conflict situation. When one hears that at an international level, one sees that the way the Irish Army work is about involving everyone but making decisions which are of benefit to people and people who are in the community. We really need to give recognition to the work right across the world to which they have contributed.

I concur with what a lot of Members have said about a review of pay and conditions. They have made a major contribution in Ireland over a long time at local, national and international level and we need to give recognition to that.

Debate adjourned.

*Sitting suspended at 8 p.m. and resumed at 8.20 p.m.*

## **Gnó Comhaltáí Príobháideacha - Private Members' Business**

### **Cancer Screening: Motion [Private Members]**

**Deputy David Cullinane:** I move:

That Dáil Éireann:

notes that:

— this State has the third highest rate of cancer in the world with more than 43,000 cancers diagnosed on an annual basis;

— the importance of catching cancer early is indisputable;

— fewer than 100,000 people were screened in the first half of this year compared to 500,000 in all of 2019, with the National Screening Service saying that they are ‘unable to screen people at the same numbers’ as they did pre-Covid-19; and

— medical oncology services are operating at about 70 per cent with cancer surgeons treating a much-reduced number of patients than usual;

agrees that:

— before Covid-19, crucial targets in the National Cancer Strategy were missed relating to timely access to diagnostics, surgery, radiotherapy and screening;

— there have been significant delays in cancer screening at CervicalCheck, BreastCheck and BowelScreen with the phased resumption of services varying depending on the screening programme and capacity; and

— the postponement of screening and lack of clarity is causing huge additional anxiety for patients and their families while also contributing to growing waiting lists for cancer tests and treatment; and

calls for:

— an immediate review of the National Cancer Strategy to address capacity deficiencies and to lay out a timeline for catch-up on new and delayed cancer care with targets;

— the reversal of historic underinvestment in cancer care to meet targets set under the National Cancer Strategy; and

— additional funding to be made available for capacity protection measures to deliver cancer care in a Covid-19 environment.

Every time I stand up and wear this mask I must remind the Minister of the campaign for 24-7 cardiac care for Waterford. I will take every opportunity I can to raise the issue with him.

In tabling the motion, I recognise that those who are running our cancer treatment and screening services throughout the State are doing a first-class job. I also recognise we will have a very big challenge in the State in the weeks and months ahead in delivering Covid care and non-Covid care and attempting to catch up on all the missed care and missed screening services that have resulted from Covid-19.

Unfortunately, Ireland’s cancer rates are the third highest in the world. On average, more than 43,000 cancers are diagnosed on an annual basis. Cancer related deaths account for almost one third of all deaths every year and one in nine people dies of cancer before the age of 75. This is a stark reality of cancer in Ireland. The importance of catching cancer early is indisputable and in the wake of the Covid-19 pandemic we all know there have been significant delays

in cancer screening services and in treatment.

In 2019, 500,000 people were screened for cancer. We are on track to screen fewer than half of that number this year. According to the Irish Cancer Society, approximately 450 cancers and 1,600 pre-cancers would have been detected in a typical four month period if the screening services had been operating as normal. We are running the risk of denying hundreds of people the urgent care they need to have a good quality of life and, in some cases, to survive. This is not inevitable. I completely understand that screening is not a diagnosis but general population screening is a very important tool in fighting cancer. The pathway from screening to a diagnosis and services is critical.

To make matters worse, medical oncology services are operating at a reduced capacity, and some experts say it is as low as 70%, meaning cancer surgeons are treating a much reduced number of patients this year. We have to rapidly invest in cancer services and capacity to kick start the national cancer strategy and the national cancer control programme. These are historically underfunded, with the national cancer strategy receiving less than 4% of the necessary development funding in its first three years. When the Minister was an opposition health spokesperson he also raised the issue that we are not meeting the targets that have been set with regard to speedy access to treatment, radiotherapy, chemotherapy and screening. The reason we are not meeting the targets in the national cancer strategy is that we are not providing the funding. I read in the ministerial brief that the Department had asked for more than €40 million in recent years for the national cancer programme but received only €3 million or €4 million. We need to make the investments. Unfortunately, without immediate action, we will see avoidable cancer deaths.

We all accept and acknowledge the pandemic presented challenges that none of us could ever have envisaged. The public paused their daily lives and we stayed away from friends and loved ones while our State agencies and front-line healthcare workers worked around the clock to keep us safe. The efforts of everyone in the battle against this pandemic are to be lauded. It was, and continues to be, all hands on deck.

I lost my Mam to cancer in January last year, and I remember when she went for her scan she was not expecting to get the news that she did. She had no idea what was wrong with her. I remember very well the fear we had and the urgency we sensed was there to make sure she got the treatment she needed. I know first hand, as do many people in the Chamber as we all have loved ones who have suffered from cancer, that timely access is important.

We are looking for a number of things through the motion. These include the funding necessary to kick start the national cancer strategy. We have called for €20 million of additional funding for this. We also need additional funding of €10 million to provide cancer care in a Covid environment and another €10 million to provide screening services. If we have any chance to catch up and keep up, these investments must be made. We are being constructive in bringing forward the motion and we hope the Government is in a position to accept it.

**Deputy Louise O'Reilly:** During the course of Covid-19 and for a bit before it, my family had experience of cancer. My husband had to have surgery at the height of the pandemic and it was terrifying. Having surgery any time is not great but it was very scary because we were worried about how Covid would be dealt with. The staff were fantastic but we could tell that it was not an ideal environment. The capacity was not there. How many times did the Minister and I have conversations about the lack of capacity in the health service and the urgent need to

build capacity? That was before a pandemic took away much of the capacity.

I am absolutely and forever grateful to the staff at Beaumont Hospital and my husband's GP for the vigilance, compassion and fantastic care they gave him, and he came through it. He would tell the Minister, and I can tell the Minister, they are operating in circumstances that are not just less than ideal but severely constrained. These are people who are at the absolute top of their game. Every single one of the healthcare workers in the cancer section in Beaumont Hospital is absolutely amazing but they feel they are constantly in a battle with the system. They feel they are constantly fighting because they are not getting the resources they need. On the one hand they get the plámás and are told they are fantastic, and they might get a round of applause every once in a while and everybody knows how important they are and how important the work they do is, but they do not feel they are being supported because they do not get the resources they need. The motion is about putting these resources to place and ensuring avoidable and preventable cancers are caught and treated. The person whose cancer is caught and treated goes back to work and does not have to go to the health service again, thankfully, and, touch wood, I hope not ever, and is back working and paying tax. This is what it should be about. This is what the motion is about. It is about ring-fencing the money.

I remember when the national cancer control programme was set up. There was much consternation at the time about how it would work if the money was moved out and was not centrally controlled, and whether it was a power grab by one doctor or another. The thinking in Government at the time was that the funding had to be ring-fenced because cancer was too important and we could not miss it. It was something we could actually beat and meet it head on with a screening programme and ensure people were caught, treated, turned around and put back in the system. That was the thinking at the time. All we are asking for it now is cross-party support for the ring-fenced funding so the brilliant men and women in our cancer care services can get on with doing the work they do and cure people wherever it is possible, catch it quickly and get them back into work and into society.

**Deputy Darren O'Rourke:** I commend Deputy Cullinane on tabling the motion. It is timely and important. The CervicalCheck scandal and now Covid-19 with the suspension of screening programmes have brought cancer care in Ireland into focus again. I am sure others will address the important issues of delayed and missed diagnoses and the unnecessary pain and hurt this causes. Others will mention the poor outcomes we experience in Ireland. Five year survival rates for ovarian, colon and rectal cancers lag considerably behind other wealthy western countries.

I want to focus my comments on the essential role of medical scientists in cancer care, screening, diagnosis, treatment and monitoring. As it applies to Covid-19 testing, a headline in a national newspaper two days ago read, "Overworked medical scientists warn of burnout as testing requirements increase." The same could be said at any stage in recent years of the general services that medical scientists are expected to perform, many of which relate to delivery of cancer care. This is a proud profession that feels underappreciated and undervalued. I know this myself because I worked as a medical scientist for a number of years, starting in 2003. The representative bodies - the Academy of Clinical Science and Laboratory Medicine and the profession's union, the Medical Laboratory Scientists Association - have, in my experience, stated their concerns loudly over two decades. We should be very proud of this profession, and I am sure the Minister is. We produce fantastic graduates, the best in Europe. There is a competition every year and we win it consistently. All those in the profession are educated to degree level, most have master's degrees, many have multiple master's degrees and many have

PhDs. Increasingly, they are taking on FRCPath and MRCPPath. We do not train enough medical scientists. Of those we train, 25% emigrate or go into industry. Those who stay to work in the Irish public health system are frustrated by the lack of recognition or of career progression opportunities. They have lived with pay inequality for decades, and that needs to be addressed.

The Minister and I have spoken privately about this before. I know he is interested in the opportunity there is. I believe there is a clear win for the Government in this. I ask the Minister for Health and the Minister for Public Expenditure and Reform to take the opportunity to meet representatives of medical scientists. They have a great opportunity to contribute significantly more than they are being asked to contribute. I think there is a win there for the Government and I would appreciate if the Minister took up that proposal.

**Deputy Seán Crowe:** For me this debate is very personal. In October 2014 I was told I had prostate cancer. Perhaps it would be relevant if I focused on this in the couple of minutes I have. At that time one got a biopsy up the back passage. When I was told I had the cancer, I was told they would probably monitor it for six months. I asked the doctor at the time whether it would be possible to get a transperineal biopsy, which is much more accurate. My cancer was at the top of the prostate and very difficult to get to. For years I had been getting different biopsies and they had come up negative. I was told then that I would have to go to see a radiotherapist and a surgeon. I thought the surgeon would basically say to go for surgery and the radiotherapist would say to go for radiotherapy. It worked out anyway. They said it was a fast-growing cancer and that the only option for me was surgery. I got the surgery. It did not work out. It was great in that they removed it, but a couple of days later I got sepsis, and a year after that I had to get another operation, another operation and so on. I was told after that that the prostate-specific antigen, PSA, was rising again. I had to get back into the system again.

Much has changed since then. One can get a transperineal biopsy. I could not get robotic surgery at that time; it is now available in some areas. Again, I think a transperineal biopsy is much more accurate. What I am really arguing for tonight is that we give people a greater chance of going back to work. That was my priority. I wanted to get back to work. I wanted to get back to representing my constituency. Many people said I was mad and told me to think of my health and so on. There are many things we can do, though. According to the Irish Cancer Society, something like 3,357 people are diagnosed every year with prostate cancer. Of those people, 90% will survive, so the cancer has a high survival rate, but catching it early is so important. I recognise we are focused on Covid, but that is only one aspect of our health service and we need to focus on cancers and saving people's lives. That is my message tonight, including to those who are listening in at home. If you are worried, do not be worrying at home. Go get tested.

**Deputy Pat Buckley:** I welcome the opportunity to speak on the motion. I am always straight and to the point. This is about doing the right thing. It is about addressing the issues of major underinvestment in these vital services. Most of the speakers have mentioned the specifics of the cancers and so on. They are right when they say we have all lost family members and that families are decimated by cancer. I wish to address the underinvestment. It is probably the only opportunity I will get to put this on the Dáil record. I have been listening to some deeply disturbing stories coming out of the geriatric ward in Cork University Hospital, CUH, over the past two days on a radio station in Cork called RedFM, specifically on "The Neil Prendeville Show". I hope to send the Minister the podcast of it. It addresses duty of care and how patients have been treated.

This motion is all about doing the right thing. I have looked at the Government amendment to it. I am afraid it would result in something of a watering down of the motion and a return to the *status quo*. I do not want to go into the specifics of it. I am just appealing to the Minister. There are many more speakers here. The motion goes in the right direction to do the right things. We constantly come in here and debate underfunding. There is the line “where there is an action there is an instant reaction”. We are always reactive instead of proactive. My wife is going to kill me for saying this in the Chamber, but I will say it: prevention is better than cure.

One of the speakers mentioned people going back to work. That would result in a better quality of life for people. What is affecting many people at the moment is the worry of getting an appointment and nothing happening for months. It has to be torture. I do not know whether it is a medical fact, but it has been said that extreme worry and stress can bring on cancer in the stomach, the bowel and so on, and here we are, our people stressed to their limit, waiting for appointments and waiting to see whether they can get positive or negative results. This puts indescribable pressure on all family members, and the knock-on effect of that is the kids going to school, mammy or daddy being unwell and elderly parents or grandparents being worried about it.

We know we can address this if we put the right protocols in place, so I appeal to the Minister to take stock and have a look at the motion. It is very simple, straightforward and black-and-white. It does what we should be doing, which is the right thing. We should invest in the services now and then, I hope, we will see the results of this in a number of years’ time.

**Deputy Violet-Anne Wynne:** I welcome the motion and strongly urge all parties to support it. On the pandemic’s arrival in Ireland we were faced with some very tough decisions which had to be made. We closed the schools and cancelled sporting and cultural events. Possibly one of the hardest calls that had to be made was the cancellation of medical appointments, cancer screening services, general check-ups and non-urgent procedures. While a tough one to comprehend, it was a decision that had to be made, and I accept that.

Here we are, however, six months on from the start of the pandemic and more than six weeks since the start of the easing of restrictions, and these screenings have not yet restarted and are not due to restart for at least four more weeks. We have seen figures that show there has been a drop of more than 50% in the number of BreastCheck screens carried out since the start of the year compared with the same period in 2019, equating to fewer than 100,000 tests, compared with 500,000 for all of 2019. If this is not a truly worrying number for some in the House, all I can say is that not much will phase them.

I have been contacted by a lady called Deirdre in my home county of Clare and she described the truly difficult situation she has been facing. Deirdre informed me that she had an important follow-up appointment with the colonoscopy clinic in UHL in April that was unfortunately cancelled. This appointment was vital as it would have enabled the medical team to check whether cells were redeveloping but also to ensure that the treatment received six months previously was actually successful. Deirdre has since April been left with so many questions, concerns and thoughts about what this delay may mean for herself, her family and all the other patients in this awful predicament. These patients are trying to stay positive, but receiving letters with the generic line “we apologise for any inconvenience caused” does little for the anxiety or the stress and absolutely nothing for the outright fear these people are enduring. This burden is too much for any person to be saddled with, and it is not good enough. We need to get CervicalCheck, BreastCheck, BowelScreen and all the other cancer screening services up

and running without delay. We need to get them back to full capacity and then some. We cannot begin to comprehend the long-term effects of people not being screened. We cannot allow this virus to stop vital screening and care for our people any longer. We keep hearing from the WHO, NPHE and the Government that we need to learn to live with this virus so let us do just that. Let us get our services reopened and funded as required to ensure they can clear any backlogs, especially dangerous backlogs.

**Minister for Health (Deputy Stephen Donnelly):** I move:

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

“notes:

— that the National Cancer Registry of Ireland records that over 23,000 people are diagnosed with cancer annually, with a further 20,000 people diagnosed with the common but rarely fatal non-melanoma skin cancer;

— the lack of clear comparable data on incidence across jurisdictions given variations in the nature of data collection and registration;

— that survival for Irish cancer patients continues to improve according to the National Cancer Registry’s Annual Report, with an estimated 180,000 people living after a diagnosis of invasive cancer other than non-melanoma skin cancer at the end of 2017;

— a 15 per cent improvement in breast cancer survival over the twenty years to 2015;

— that in a report by the International Agency for Research on Cancer (IARC) on cancer survival rates across seven high-income countries, Ireland showed the greatest improvement in survival for stomach and oesophageal cancers and the second highest improvement for rectal and ovarian cancers;

— the Government’s commitment to continued improvement in cancer outcomes, through research, prevention, early diagnosis and high-quality safe care;

— the progress made in implementation to date of the national cancer strategy

published in 2017 including:

— legislation on standardised retail packaging for tobacco;

— the passage of the Public Health (Alcohol) Act 2018 in October 2018;

— the development and launch of Ireland’s first National Skin Cancer Prevention Plan in 2019;

— the commencement of the roll-out of the National Cancer Information System which was launched in November 2019;

— the appointment of National Clinical Leads for Psycho-Oncology, cancer nursing, children, adolescents/young adults to provide leadership and focus on planning, development and implementation of key areas of the national cancer strategy;

— the publication and launch of the National Clinical Guidelines for Ovarian and Oesophageal Cancer in August 2019 to help healthcare professionals with the diagnosis,

staging and treatment of patients and to standardise practice;

— the delivery and expansion of the Cancer Thriving and Surviving Programme in acute and community settings to provide patients with a programme to help with the transition from active treatment to living well with and beyond cancer;

— the publication of the National Cancer Survivorship Needs Assessment in August 2019, which will underpin improvements in meeting the needs of the increasing number of cancer survivors in Ireland;

— the establishment of a National Cancer Research Group in June 2019; and

— the construction and opening of a new radiation oncology facility in Cork in 2019, with work commencing on a new facility in Galway in 2020;

— the establishment and continued work of the Cancer Patient Advisory Committee, the role of which is to ensure the patient's voice is heard, and to provide input into the development of programmes for patients with cancer;

— the introduction of the Human papillomavirus (HPV) vaccine for both boys and girls in their first year of secondary school, as a key element in prevention of cervical cancer and other related cancers;

— that Ireland has three advanced cancer screening programmes, namely Breast-Check, CervicalCheck and BowelScreen which have evolved and expanded over the years since their establishment, in line with international best practice; and

— that the CervicalCheck Screening Programme transitioned to HPV cervical screening on 30th March of this year which means that any test taken after this date is a HPV cervical screening test with follow-up cytology if required;

recognises:

— the unavoidable impact of the Covid-19 pandemic on cancer services, and the significant worry that it is causing cancer patients, their family and friends;

— that the National Action Plan on Covid-19, published on 16th March, identified the protection of cancer care as a key priority;

— the significant additional funding provided to the health services in 2020 to manage the response to Covid-19 and to maintain time-critical essential services including cancer services;

— that cancer services continued throughout recent months, albeit at reduced capacity, with the significant focus on maintaining these critical services through the use of:

— national agreed guidelines for the continued provision of cancer treatment during Covid-19;

— the use of private hospital facilities to maintain urgent cancer surgery and facilitate medical oncology in some instances;

— initiatives such as relocation of day wards as necessary for medical oncology;

— continuation of radiation oncology with provisions for physical distancing in place;

— recruitment of acute oncology clinical nurse specialists to facilitate hospital avoidance where appropriate and support timely, streamlined access for cancer patients to services;

— virtual/telephone clinics where possible; and

— provision of support to cancer patients and their families through the Together for Cancer Concern, a joint initiative between the Irish Cancer Society and the Health Service Executive (HSE) National Cancer Control Programme;

— the initial public reticence to attend for cancer services due to fear of infection and efforts to address this including through public advertising campaigns, and the collaborative approach taken between the National Cancer Control Programme (NCCP) and the Irish Cancer Society in that regard;

— that in light of the unprecedented public health challenges posed by the Covid-19 global pandemic in March 2020, the National Screening Service's (NSS) four national screening programmes - BreastCheck, CervicalCheck, BowelScreen and Diabetic RetinaScreen were paused in March; and

— that during the pause clinical staff continued to work within the screening programmes and people who were in the system at the time of pause have continued to be treated as hospital resources allowed and women availing of BreastCheck screening services who had been screened continued to have their assessments completed and their treatment plans mapped out by the service, surgeries continued to be scheduled and completed, and with regard to CervicalCheck, colposcopy assessments and follow-up treatments continued for women who had been screened before the pause; and

supports:

— the restart of a phased reintroduction of screening services;

— the NSS to continue to prioritise the safe and effective resumption of the screening programmes, with regard to addressing the postponement of screening which has already occurred for people affected during 2020;

— the NSS in taking measures to protect both participants and staff and in monitoring the delivery of screening to ensure their continuing safety in order to ensure a safe resumption and delivery of screening services in the context of the Covid-19 pandemic;

— the priority focus now, in the context of the next phase of the pandemic, of facilitating cancer services to return to pre-Covid-19 levels, and in a safe and effective way in the context of overall HSE planning on increasing delivery of non-Covid-19 services; and

— the full implementation of the widely supported and evidence based national cancer strategy 2017 – 2026, as is committed to in the Programme for Government and in line with Sláintecare to underpin continued improvement in survival for cancer patients.

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I welcome the opportunity to address the House on cancer services. I thank Deputy Cullinane and his party colleagues for tabling the motion. I thank every Deputy this evening for offering ideas and solutions. I acknowledge that many Deputies have shared very personal experiences about how cancer has affected them and their loved ones. I do not imagine there is one of us here who has not been affected, either directly or indirectly.

I agree so far with pretty much everything I have heard. Deputy Cullinane and I can debate what should be €5 million, what should be €10 million and what should be €20 million and the best way to deploy the money but he is right that the funding for the cancer strategy has not materialised at the rate it needs to. He is right also that we need more funding in a time of Covid. The cancer services and services across the system are operating at reduced capacity. Some are only a little reduced but some quite a lot. I agree the screening services need to be up and running. I am not sure they need additional funding but if they do, I will provide it. We can debate the details about how money is allocated and how much is required but I agree we need to do more, to fund more, to target and to address the issues raised here this evening on behalf of every single family in our country.

Almost every family has been touched by cancer and the Irish Cancer Society pointed out that one in two people in Ireland will be diagnosed with cancer at some point in his or her life. Thanks to the works of doctors, nurses, medical scientists and many others around the country, the outcomes have improved enormously. We need to keep improving and ensure that those who receive a cancer diagnosis get the best care and that they get the diagnosis as early as possible. The counter-motion I have tabled this evening provides a firm commitment to that and to the national cancer strategy and a focus on maintaining critical cancer services throughout the pandemic.

Covid-19 has had a significant impact on our health services, including cancer services, as Deputy Cullinane said. Understandably, this has caused much anxiety and concern among patients and their loved ones. Our doctors, nurses and healthcare professionals have done incredible work over the past few months and this has ensured that cancer services have been maintained to the greatest degree possible while keeping patients and healthcare professionals safe.

The national action plan on Covid-19 identified the continued provision of cancer care as an absolute priority and it remains an absolute priority. Symptomatic breast disease clinics and rapid access lung and prostate clinics have continued to operate while prioritising urgent cases. Fewer referrals were made to symptomatic clinics, which is an issue I raised not too long ago in opposition. Fewer people have presented to their GP with symptoms. That is a worry. I am happy to report that these clinics are now returning to normal levels of referrals but we must be cognisant of the dip between March, when Covid arrived here, and now. Urgent cancer treatment, including surgical oncology, radiation oncology and medical oncology has continued. Private hospital facilities were used in some cases to maintain urgent cancer surgery services. Some day wards were relocated to ensure the ongoing provision of medical oncology treatment. In order to ensure the continuation of radiation oncology, measures to ensure physical distancing were put in place and a return to surgical and medical oncology services is now under way in many centres. Virtual and telephone clinics are being used where possible. The national cancer control programme, the Irish Cancer Society and Cancer Care West deserve great credit for the work they have done since March. They have provided a virtual community of care for people who are struggling with the emotional and psychological effects of living with cancer. I acknowledge the incredible work those three groups have done this year.

In light of the unprecedented public health challenges posed by Covid-19, the national screening service's four national screening programmes were paused in March. A similar pausing of population screening programmes has occurred elsewhere, including in Northern Ireland, Scotland, England and Wales. A recent WHO survey found that, across the world, it was quite regular to see governments pausing their national screening programmes. Critically, treatment did not stop. Clinical staff continued to work within the screening programmes and people who were in the system at the time of the pause have continued to be treated in hospitals, not as they were before but insofar as resources have allowed in an extremely challenging time. Women availing of BreastCheck screening services who had been screened prior to the pause had their assessments completed and treatment plans mapped out. Surgeries continued. Colposcopy assessments for CervicalCheck and follow-up treatments continued for women who were screened before services were paused.

Three of the four screening services, I am happy to report to colleagues, have now commenced a phased reintroduction of services. CervicalCheck recommenced at the beginning of July. BowelScreen resumed the issue of new invitations for screening on a phased basis from the 4 August. It is projected that BreastCheck will resume in the coming weeks, again on a phased basis.

I have been assured that the national screening service has a plan in place for the safe and effective resumption of screening. With regard to addressing the postponement of screening for those due to be screened in 2020, something we need to look at very carefully, CervicalCheck aims to have issued all invitations by spring 2021, which would deal with the very substantial backlog - if I may use that word - from 2020. BowelScreen's endoscopy units have already increased their operating capacity now to more than 50%. The programme aims to invite new participants for colonoscopy by December 2020.

The CervicalCheck screening programme transitioned to HPV screening on 30 March, which was fantastic to see. Any test taken after this date is a HPV test with follow-up cytology, if required. We should be proud of our screening services and our healthcare system. We join a small group of countries, including Australia, England, the Netherlands and Wales, that employ this best-in-class screening for cervical cancer. This improved testing methodology, along with the continued roll-out of HPV vaccine, will mean that in Ireland over the next ten to 20 years we can look forward to a very significant and very welcome reduction in the incidence of cervical cancer cases, something we should be proud of.

The national cancer strategy was published in July 2017 and provides a comprehensive ten-year roadmap for cancer services. The most recent annual report by the National Cancer Registry provides evidence that survival rates for Irish cancer patients continue to improve. The figures are impressive. In the late 1990s, the average five-year survival rate for men, excluding non-melanoma skin cancers, was 39%. It is now 63%. That is impressive. For women, it went from 39% to 60%.

My Department, in conjunction with the national cancer control programme, has overseen significant progress towards the implementation of the national cancer strategy since its launch in 2017. Achievements include: the development and launch of Ireland's first national skin cancer prevention plan; the construction and opening of a new radiation oncology facility in Cork; the appointment of national clinical leads for psycho-oncology, for cancer nursing and for children, adolescents and young adults; the establishment of the cancer patient advisory committee; and the establishment of a national cancer research group. As part of the service planning for

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2020, an additional €3.5 million in development funding was provided. Implementation of the national cancer strategy forms a part of the programme for Government and is in line with the objectives of Sláintecare. In that context, implementation of the strategy will be a priority for me and for the Government.

The past six months have been incredibly stressful and traumatic for cancer patients, their families and the amazing men and women who treat them. Our immediate focus is to restore cancer services to pre-Covid-19 levels while keeping patients and healthcare staff safe. The Government's priority is to implement the national cancer strategy. This strategy will save many lives and prevent large numbers of people, including family members, friends, neighbours and colleagues, from becoming seriously ill. We have a plan and it is saving lives already. We will implement it and it will save many more.

**An Leas-Cheann Comhairle:** I call Deputy Cronin of Sinn Féin.

**Deputy Alan Kelly:** I want to raise a point of clarification.

**An Leas-Cheann Comhairle:** Deputy Kelly is next on the list to answer that point of clarification.

**Deputy Alan Kelly:** That is wrong.

**An Leas-Cheann Comhairle:** It may well be wrong but that is what is before me. Deputy Kelly is next.

**Deputy Alan Kelly:** The Leas-Cheann Comhairle should rule on it. She knows the rules.

**An Leas-Cheann Comhairle:** I know the rules but that is what is set out before me.

**Deputy Alan Kelly:** That does not matter. The Leas-Cheann Comhairle knows the rules. The Standings Orders are the Standing Orders and we agree them.

**Deputy David Cullinane:** I want to offer some clarification that might be helpful. We are proposing the motion and then the speaking order kicks in, which would be Sinn Féin and then Labour. I imagine that is what it is.

**Deputy Alan Kelly:** I have never seen this before.

**Deputy Thomas Pringle:** For information, this is a new agenda that has been worked out and imposed by the Business Committee. It relegates all of us parties to a lower standing in respect of both Private Members' business and general business. These are the new rules.

**Deputy Réada Cronin:** I commend my comrade, Teachta Cullinane, on bringing forward this important motion. For many of us, time is of the essence in catching and treating cancer. Medicine is so advanced that a person has the opportunity to become cancer-free if a diagnosis is made and treatment is begun as soon as possible. Since the Covid-19 crisis, I have been contacted by people and families all across north Kildare who are anxious about their screenings for cancer being delayed. For too many people, early diagnosis and treatment are being denied. It is imperative that additional funds for screening be invested immediately so that more lives can be saved and better quality of life for a longer period can be enjoyed. For the sake of patients and their families, we simply cannot delay another minute.

Sinn Féin is proposing to provide lifesaving treatment. We are saying that we should get

this investment into both screening and the implementation of the national cancer strategy, particularly in the Covid-19 environment, which as resulted in so many delays already. We know for sure that cancer does not social distance, it does not wash its hands of us and it will not put on a mask to protect us or the people we love from its effects. As a result, we must hit it hard and we must do so immediately, starting with the screening we are proposing. That will lead to speedy diagnosis, treatment and, for many, a future that is cancer-free. As has been said already, we all have loved ones who have died from cancer but thank God now we all know survivors as well. Let us keep it that way.

**Deputy Donnchadh Ó Laoghaire:** The word “cancer” strikes fear into many people. Cancer is not just a single illness, it is a series of illnesses. Sometimes our understanding of these illnesses can be simplified by treating them all as one. Nonetheless, cancer is a series of illnesses that has affected so many people. I would say almost everyone in this Chamber has had a loved one or relative who has died as a result of or is currently suffering from cancer. I acknowledge that there is a Deputy present who has recently had a diagnosis and I am delighted to see him here and looking well. It is something that affects so many people.

Prevention is better than a cure, which is one of those clichés, and screening is not prevention but it is the next best thing. It gives us the opportunity to ensure that people are treated in a way that is timely and effective and allows us to ensure that the greatest possible number of individuals who potentially have an illness are treated. It is so important and it is one of the best things this Dáil can do for public health.

There may have been good reasons for the decisions which meant that the entire health service had to concentrate on what was the most urgent matter before us at a particular moment earlier in the year but time has moved on and, unfortunately, we have been too slow to restore screening programmes. There is an awful lot of concern out there. Many people, women in particular but also men, are worried and feel that there is a great deal of focus on other activities and that other things are being opened up at the expense of screening programmes. The numbers that are before us are concerning. Fewer than 100,000 screenings were carried out in the first half of the year compared with 500,000 in all of 2019. There is huge work to be done - whether it can be done at all - during the remainder of the year. We urgently need to scale this up. It can help so many people.

**Deputy Imelda Munster:** It is hard to even imagine what it is like to learn that one has cancer and how devastating the impact of a cancer diagnosis can be on a person. It is a difficult diagnosis for anyone to accept, regardless of age or circumstances. It is difficult enough in normal times but life for people living with cancer has been unimaginably hard since the onset of the Covid-19 crisis.

It is understandable that screening and other cancer services were paused during the lockdown period but the break in services has led to a serious and significant backlog. Only 100,000 people underwent screening in the first half of this year. Last year, 500,000 people were screened. Hundreds of thousands of people who should have undergone screening tests have not done so. It is imperative, therefore, that the backlog be cleared as soon as possible. In order to do that, we need to increase screening capacity and this must be backed by increased funding. The Irish Cancer Society has estimated that 450 cancer and 1,600 pre-cancer diagnoses may have been missed this year. That is hundreds of people who could face devastating consequences as a result of not undergoing screening. The Irish Cancer Society has also said that other countries show clear indications that Covid-19 has led to significant reductions in cancer survival rates

due to reduced capacity in cancer care services. The consequences of this could be dire if we do not act now. There is a serious onus on the Government to prioritise this issue.

Sinn Féin's policy document, to which my colleague, Deputy Cullinane, referred earlier - A Fresh Start for Cancer Care - lays out a timeline on how this can be achieved. In order to minimise the potential disastrous outcomes for patients, we have to ensure that we can provide full cancer services in a Covid-19 environment. In the short-term, we need increased capacity in order to deal with the backlogs. I hope the Government will consider this motion because it is important that we get the cancer screening and cancer services up and running in order to clear this backlog. There is an onus on the Minister to ensure that this is done by supporting the motion.

**Deputy Brian Stanley:** I welcome the opportunity to speak on the motion brought forward by my colleague, Deputy Cullinane. For people who may have symptoms of cancer, it has been a stressful time waiting to be screened. The Minister acknowledged that it is a traumatic time for people who are receiving treatment as well. We all acknowledge that. I welcome the fact that we will soon have BreastCheck, CervicalCheck and BowelScreen services all open this month. That is important.

In the first six months of 2019, some 248,223 people were screened for cancer. The figure for the same period in 2020 was just 99,000, or 40% of what was done the previous year. It shows that we are trying to play catch up here. We know the health services have gone through a difficult time and I want to acknowledge the work of the staff in the health services and of everybody who has put his or her shoulder to the wheel.

*9 o'clock*

What we need now, following the reopening, is a plan to catch up quickly and reduce the waiting list. This will need to be adequately funded. Our calculation is that an additional €10 million will be needed from the Department of Health. We need to assess each cancer screening facility in the State and see what extra capacity might be possible in order to meet demand. Such capacity cannot be pulled out of the sky and, as a result, that work will need to get under way. We must make cancer care a key priority in the coming months.

I also note how important it is to monitor prostate cancer. This is a real issue. Some 3,665 men were diagnosed with this cancer last year. It is the second most common male cancer. If it is not diagnosed in time, that leads to further problems, such as people needing to have their bowels removed and other serious surgeries because treatment was not provided early enough. Men are also sometimes slow to go for screening. I take this opportunity to encourage men to have screening for prostate cancer performed every year. That is very important. If prostate cancer is detected early, more than 93% of men will survive and go on to live normal lives. However, we must have screening in place and available, as well as speedy diagnosis. People have been slow to go to their GPs, who do this screening. It is important to encourage them to go. It is also important that consultants diagnose the disease quickly and that treatment is carried out.

I wish to address the backlog in cancer treatment services, the figure relating to which is down 30% on last year. Those diagnosed with cancer need quick access to diagnostic systems and cancer treatment. In the medium to long term, this will ease the burden on the health service. That will be one of the positive outcomes of this approach, because treating people in

time will ease the burden later. Most importantly, however, if we can put the correct system and adequate capacity in place, early diagnosis and treatment will improve healthcare for thousands of patients and their quality of life and future prospects. I urge people to support this motion. Time is of the essence in dealing with cancer. Having cancer is an awful worry for anyone diagnosed with it. In that context, I urge the Minister to use every effort possible to have cancer treatment services fast-tracked.

**Deputy Alan Kelly:** I thank Sinn Féin for bringing forward this motion, which we will be wholeheartedly supporting. This is a topic about which I have probably spoken more than most in this Chamber and about which I am very passionate. I will divide my contribution into two parts. I do not want to repeat the proposals put forward by others, which I support. As a result, I will just focus on the matters I feel should be concentrated upon. I will then deal with the civil liability (amendment) Bill, which is our priority in light of the judgment in the Ruth Morrissey case and the appeal to the Supreme Court, which she won. I was in a lonely place in this Chamber, with only a few others on my side. There were those who believed that the original judgment should not have been appealed. The Minister believed that it should have been appealed, as did what is now the main Opposition party. The Chief Justice has informed us that we, the Legislature, must deal with this matter. I will address that aspect as well.

I begin by welcoming the appointment of Fiona Murphy as head of screening services in the HSE. It is appropriate to welcome her, particularly as we are having this debate. I wish her the best. I thank the Minister for meeting online with the 221+ group during the week. I received a full report on the meeting, so, in the context of what he said, I would like to see the Minister's commitments honoured.

Turning to the Minister's contribution, I would have preferred it if he had provided some insights into where he is going with this matter rather than a commentary. This is about actions and measuring the data, as the Minister stated often when he was in opposition. What is he going to do? We all know about the issues. I want to know what the Minister is going to do, when he is going to do it and how he is going to spend the money.

The drop in the number of cancer screening tests since March will have a profound effect. We all know that screening is not diagnostic, but it can result in women and men needing different types of treatment, including more aggressive treatments. That is never a good thing. Regarding CervicalCheck, some 6,000 letters have gone out and there has not been enough of an uptake. This is a real concern. The low level of uptake needs to be tackled because otherwise there will be consequences down the line. Turning to BreastCheck, we also know that services are not resuming in the way that it was indicated they would. I also asked a question - but I did not get the answer - about the decision to move from an interval of two years to three years in the context of mammograms. If two years was the standard, show me the new medical evidence which states that three years should be the standard and please do not just use Covid-19 as a reason. I want to know why that interval between screenings has changed. Nobody has explained that yet or why we were using an interval of two years in the first place. I would like the Minister to outline the position in this regard in this reply.

I am glad that we have Ms Murphy in place because communication needs to be dramatically improved, especially now. I will make six points before I turn to the civil liability (amendment) Bill. Regarding BreastCheck screening, the status report on its resumption needs to come before us, and the same needs to happen with BowelScreen. We also need a plan, which I will not stick the Minister with, to bring screening home. We all agree that many of the issues which

arose historically did so because we outsourced screening.

Turning to the CervicalCheck tribunal, I will give the Minister some space, not very long, to consider where he is going with that issue. It is going nowhere at present and, in light of the changes brought about by the Morrissey judgment, it will not go anywhere. I have many detailed thoughts on this issue, but I am not going to share them here. I want to give the Minister some space to consider what he heard last week.

I am delighted that arrangements for the administration of the HPV vaccine to girls and boys are in place. We have a good standard regarding HPV. I was pushing in the previous Dáil to bring vaccination forward for boys, so I am delighted that is happening. Given the circumstances we are in, however, it is important that there is no slippage in this happening. What is the plan to ensure that there will be no slippage? I ask that because we are protecting our future, and I know the Minister understands that.

I support the need for more funding. I have many reasons for doing so. The Covid-19 pandemic has given rise to practical reasons, but I also support the Irish Cancer Society's plan for the implementation of its strategy. I would like the Minister to break down what funding he thinks is required in order that we can support him with its prioritisation in this Chamber.

Finally, before I get to the other matter, I turn to the issue of auditing, which has stopped. We do not audit any more. That is unacceptable, particularly as auditing is good. When is it going to recommence? We cannot have a situation where there is no auditing. The Minister said the same thing when he was in opposition.

I turn now to the civil liability (amendment) Bill, a copy of which I sent to the Minister. I am raising this matter because his legislative programme will be outlined next week. I want to see this proposed legislation included in that programme. I do not care if the Minister amends my Bill. I want to do whatever is the right thing in the context of drafting, because this is not about egos. The Chief Justice stated that this legislation is necessary. Several cases, three of which I know well, are now before the High Court and those involved could really do this Bill being passed.

I attended the hearing when the Morrissey case was appealed to the Supreme Court. There were many issues with the Civil Liability Act 1961, and related legislation, prior to that case but they were all swept beneath the carpet. People were left in a difficult situation. They were faced with having to seek all their damages in the context of one case, with the woman or man - with cervical cancer it is always women obviously - then, hopefully, taking the €500,000 for loss of earnings and loss of free services. When negligence was found, the quantum was calculated out of that. Under section 48 of the Civil Liability Act 1961, only one case can be brought in respect of a fatal injury. As a result, if a deceased person brings and settles a case for losses prior to his or her death, it is not then possible to seek damages for his or her children and provide for them to be cared for. In other words, women who are affected in that way are left in the difficult situation that either they take a case or wait for their children to do so. Timing is an issue because the women involved obviously do not know how long they will live. We cannot have a situation in which the children of someone with a fatal injury in a case where negligence has been proven cannot continue the case. The Chief Justice has said that we cannot deal with this situation through case law. He has pointedly said that we must deal with it from a legislative position and it is the Oireachtas that has to deal with it. He has also asked for that to be done in a timely fashion. The Bill I have put forward does that. I am asking the Minister

to deal with it.

Many more cases are coming through. We must consider how to deal with the legacy of the achievements of Ruth Morrissey, Vicky Phelan and all the other women. The Bill I am proposing would be a legacy to all of their efforts. Ruth Morrissey should never have been put through what she was, especially after what the Taoiseach said on “Six-One”. The law was written so there could not be double jeopardy but it did not anticipate the case pathway that has now developed. The children of the affected women now cannot take on cases after their death and that cannot be allowed to continue.

There is also a problem with the timelines in that regard. The women affected in these cases, and men affected by other forms of cancer, almost need to time their deaths because the statute of limitations can kick in. We have that extra problem.

I am asking the Minister to bring forward this legislation as a part of the legislative programme. The Minister should put it on the programme for next week. I will work with him to bring in the Bill. We can talk about how it will be drafted. We can meet and debate the Bill. It would be an absolute travesty if the Bill is not on the legislative programme because it would undermine everything that Ruth Morrissey did for this State. She should never have gone through what she did. She should never have had to go through the Supreme Court because that case should never have been appealed. The standard of absolute confidence existed in the UK. I ask the Minister to do her memory justice by ensuring that we bring in this Bill.

I looked at some of the messages that Ruth Morrissey sent me before she passed away. She really wanted this legislation to be her legacy. She wants us to work through this legislation in a timely manner to serve the many women whose cases are coming down the road. I ask the Minister to please do as I ask.

**Deputy Róisín Shortall:** I commend Sinn Féin and Deputy Cullinane for bringing forward this important motion. It must be said that we could be here every night for the next fortnight talking about what amounts to neglect of different aspects of the health service and the storing up of significant problems for the future. That could apply to the lack of speech and language therapy for children, the absence of audiology services which is damaging to the children concerned, or a whole range of different areas of healthcare that have been put on ice for the past six months or so. We are storing up big problems down the line.

Cancer services stand out because cancer can, unfortunately, be life-threatening in many cases and is life-altering in all cases. Cancer is set apart in many ways by the importance which we should attach to it and cancer services need to be protected to the greatest possible extent. We have not seen that happening in the past six months.

Over the years, cancer strategies have been very hit and miss. New strategies have been introduced every ten years or so since the first launch of the cancer strategy in 1996. It was followed, ten years later, by the strategy for cancer control. The current national cancer strategy came in more than ten years after that. The thinking behind those strategies was that cancer had to be treated as a different, more important area of medicine. It is only right for that to be the case for the reasons I have already mentioned. Priority was to be given to this area of healthcare through a stand-alone service based on centres of excellence. Prior to that, as befits the strange nature of the Irish healthcare system, small hospitals in every corner of the country were trying to provide cancer services. That was not the way to go and, for that reason, the idea of centres

of excellence was identified and proved to be the right kind of approach, in the main.

The adherence to, and funding for, those cancer strategies has been hit and miss over the past 20 years or more. Energy and attention would be focused at the launch of a strategy but would inevitably wane. It is true to say that too often in the past, people with private health insurance or those who could afford to pay for private healthcare had priority. Obviously, the resultant recovery rates were substantially better for people who could get quick access to treatment and pay their way. The fundamental unfairness was identified in each of those three strategies and could have been addressed if successive Ministers and Governments had ensured that all of the other elements of the health system were properly resourced and in place. Unfortunately, over the years, attempts have been made to implement cancer strategies while, at the same time, there have been problems in the adequacy of diagnostics, bed and staff capacity. Those shortages have dogged cancer services as well as many other aspects of the health service.

Of course, all of those were identified within Sláintecare as issues that had to be addressed if we were to bring our health service up to a modern standard that could provide a public healthcare system on a timely and equitable basis. If we had started implementing Sláintecare in 2017, we would be nearly halfway down the road to a modern, responsive and timely healthcare system. It is unfortunate that has not happened. Three years has been lost and the Minister's partners in government, Fine Gael, are largely responsible for that but his own party must also accept responsibility for not making the implementation of Sláintecare a priority over the past three years, especially when it came to budget negotiations and commentary. The Minister seems to be quite content to go off on tangents, looking for money to be put into the National Treatment Purchase Fund and other attention grabbing things like that, without giving a commitment to funding the Sláintecare programme, to which we are all supposed to be committed. There has, unfortunately, been a lot of slippage on that.

It is important to bear in mind that there were serious problems in the implementation of the cancer strategy before the Covid-19 crisis. The Minister has quoted figures, which is fine, but, on a European scale, we are still quite a bit down the list. While we made progress on our previous performance relative to other European countries, it has not been great.

The implications of Covid have been pretty devastating for cancer services. Obviously, initially and understandably everything was put on hold in regard to cancer and other services. After a few months, a number of critical cancer services resumed, including oncology surgery and radiation.

An awful lot more could have been done in terms of utilising the capacity in private hospitals. Many of us, including the Minister, followed the use of private hospitals and it was very poor during a large part of that period. We were paying very substantially for what amounted to spare capacity. I could never understand the argument put forward that the capacity needed to be protected and saved. A lot more people could have been treated while at the same time keeping capacity to free up more beds in the event of an early second wave. That was disappointing.

It was also a mistake to delay the screening of people who were in treatment, which has resumed. I am glad we are now finally getting to the point of resuming regular screening services. CervicalCheck, BreastCheck and bowel screening are critically important. Prostate screening needs to resume.

A couple of things are now happening, apart from the failure to completely utilise the pri-

vate hospital capacity. I am concerned about staff that have been diverted from core health services into testing and tracing. In my view, that is unforgivable. Those dedicated staff should have been recruited during the lull in the summer months and we should not be diverting staff from other important services. It is also really important that the workload for GPs is lifted to enable them to start providing their regular services. I wonder why we are requiring anybody looking for a test to go to a GP first. Why not go directly to a test centre? I cannot understand that. Why are we diverting so many people to GPs for the flu vaccine rather than having school-based programmes or extending pharmacy programmes?

The Minister will be tested on the extent to which he succeeds in making the case for and achieving considerable budgetary allocations. Cancer services must be a priority and he must make that case very clearly to his colleagues.

**Deputy Bríd Smith:** On behalf of Solidarity-People Before Profit, I welcome the Sinn Féin motion and give it our full support. I want to ask the Minister why, given the experience he had in opposition, he needs to amend the motion so significantly. Had he been sitting on the Opposition benches he probably would have agreed with every word of the motion rather than amending it in the way he proposed. Perhaps he could address that when he returns to the House.

The motion is important for all of the reasons other Deputies have said and which I will not repeat. There is another reason the kind of approaches we need at this point in the Covid crisis are absolutely vital. It is because we are facing into a period where a tug-of-war is taking place between the absolute need to protect public health and the need to return to economic activity. It is extraordinary that we have seen more emphasis put on the reopening of pubs, which I am not opposed to *per se*, than on the reopening of our health services to the degree that we need them to be reopened. This motion is important because there is a vacuum in our society which represents the frustration of tens of thousands of people who are anxious about the continued lockdown and restrictions of Covid-19, and are also vulnerable to the anti-science logic that is being put about by many organised groups throughout Irish society. There is anti-science logic that says that the Government is over egging the pudding, that there is no danger, that people are not dying from this disease and that we should not mask up or socially distance. There is also a campaign in schools whereby legal letters are being sent to principals and teachers warning them not to take children out of a class if they have a temperature.

These are dangerous times for ordinary people whose ideas, frustration and values may be vulnerable to this kind of exploitation. It is thoroughly and absolutely anti-science. Not only is it anti-science, it is anti-worker and, specifically, anti-health worker. Not to mask up and take precautions on public health grounds is very dangerous.

Although the motion does not necessarily address that, it helps to shift the emphasis of the political class to where it should be. How are we going to address the balance and tension between our economic survival and health services? This motion goes a long way towards pulling towards the latter, which is necessary.

It is vital that we protect ourselves and, particularly, our health workers. It is also vital that we signal to the population that they are not going to be neglected if they need a mammogram. I am of an age where I know many women whose mammograms have been cancelled. They are worried sick that, in the long run, this may endanger their lives because, as has been said over and over during this debate, cancer can be life threatening and life taking. The same is true of

CervicalCheck, bowel screening, etc. The thrust of the motion is to insist that we begin to find ways to return to full, normal and proper screening services.

The denial of screening services is dangerous for women, in particular, but we also know that women have been put through significant danger because of our approach to healthcare, including outsourcing some of the best services we could have given them such as CervicalCheck and other types of screening. That outsourcing has led to the tragedies we have seen involving the 221+ women, some of whom have become household names and whose faces we all know from our screens because they have experienced the tragedy of being victims of a service that let them down.

To that end, I want to spend a couple of minutes talking about the CervicalCheck scandal because it is not over. It was stated earlier that legislation needs to be put in place to deal with this. Next Tuesday, women who belong to the 221+ group will be outside the gates of this House to protest. I hope the Minister, Deputy Donnelly, who has left the Chamber, will go out to meet them because when he was an Opposition Deputy he met women who protested in this manner.

I know of a very tragic case where a family is still being brought through the courts. That has to end. The State cannot treat women in this way. As has been said, do we not think that the legacy of Ruth Morrissey matters? Do we not see the necessity to undo the harm that was done by the cervical screening scandal? We need a faster turnaround of services once they are reinstated, which implies that we need more investment. We also need more trained staff and, ultimately, we need clinicians and technicians trained in our very fine colleges who can do the job at home. We should never again rely on sending our services out of this country. Full repatriation of all screening services is required.

The kind of protests that we are seeing on our streets, where people insist they will not wear masks or socially distance, is not acceptable because it is anti-worker. This Saturday, I will be on the streets with a small group of socially distanced, fully masked up protesters to say that very thing, namely, that to be anti-mask is to be anti-health worker. We have to put an end to that sort of rhetoric, which is why the positive nature of this motion is important in the midst of this pandemic. I fully support Sinn Féin for putting it forward.

**Deputy Peadar Tóibín:** I welcome and fully support this motion. One of the biggest mistakes of this whole pandemic has been that so many key, life and death services have been stopped by the previous Government and have been kept closed by this Government. For the past number of months we in Aontú have consistently called for the reopening of the health services. We have said over and over again that these services must return.

Back in June I raised it with the then Minister, Deputy Harris, and when I asked him, he confirmed to me that he was aware of and supported the decision to cancel cancer screening services in March. This was not some kind of mistake or aberration. Cancer screening was cancelled under the authority and permission of the former Minister for Health.

Whenever I ask the Government about concerns over the present level of non-Covid-19 mortality rates, the response is always to go to the health service. What is the point in sending people to the health service when many of those services have either been paused or stopped? It was ludicrous that, right through the lockdown, we had a situation where the HSE continued to advertise cancer screening online even though those services were not in operation. Many people who were worried about cancer felt that they were being pushed down a cul-de-sac.

For months I have been asking the previous Government and the present one the cost in mortality and morbidity of the cancellation of services. For months the Government has been giving me the equivalent of a political shrug. Just a week ago the Taoiseach organised a meeting of party leaders, NPHET, and the CEO of the HSE. Again I put those questions to these individuals. I was told a week ago that I would have an answer, but there is no answer as of yet to those questions.

Will the Minister of State address why the Government has not sought to investigate the cost in terms of mortality and morbidity of the cancellation of services? In Britain it was estimated that 35,000 people would lose their lives to cancer due to the Covid-19 pandemic. Yet nobody in this Government has thought it worthy to carry out such an investigation here. The fact that mortality and morbidity associated with the closure of these services remains an enigma to this Government is a national disgrace. I regularly hear the HSE, NPHET and the Government say that they are making these decisions on the basis of scientific evidence and all of the information. If, however, a significant portion of the equation of the excess mortality that is happening now, which is the cancellation of these services, is ruled out, and if even investigating, analysing or understanding it is ruled out, then those decisions are simply not being made on the basis of all the facts and the science necessary at this time.

It is interesting that the current Minister for Health, Deputy Stephen Donnelly, was also asking these questions along with me when he was on this side of the Chamber. Unfortunately, the voice of the Minister has become silent on these issues.

According to the Central Statistics Office, CSO, in its latest report, Covid-19 has caused between 850 and 900 excess deaths in Ireland in the five months from the start of March to July. These are deaths that have occurred that would not have occurred in that period of time. This is a figure which is down from 1,072, which was the original reported excess deaths level and is obviously much lower than the 1,700 deaths that have been reported in the media every day.

Covid-19 is a serious threat which we have to take seriously. We must all do what we can to reduce the number of deaths that occur because of it. Cancer is a significant threat. Some 9,000 people die of cancer every year. We have to take it seriously and we need to do absolutely everything we can to ensure that we reduce and prevent those deaths.

As has been mentioned in the Chamber a number of times, there are very few people here who have not been touched either personally or indirectly by cancer. Just eight weeks ago I received one of those phone calls which people do not want to receive, which was to say that I had skin cancer. It said that I had a mid-sized melanoma tumour in my scalp and, luckily, or maybe unluckily, because of the severity of the issue that I had, I was lucky enough to get timely treatment by fantastic doctors and nurses. I owe them so much for that. Since then I have had two operations on my scalp and a big chunk has been taken out. My four-year-old son said to me that my head looks like it has caved in. I said that sometimes it feels that it has caved in, to be honest. We are on the road to recovery, thankfully, because of all of that treatment.

Not everybody in that situation is so lucky. I have been speaking to doctors throughout the country and many people who are cancer symptomatic are not getting the treatment that they need. Many are suffering significantly delayed diagnosis and treatment. The medics I have been speaking to are saying that some of their patients are simply not going to make it. That is a startling and shocking thing. They are also victims of this Covid-19 crisis and should be treated equally in this whole process to ensure that they have equal access to healthcare.

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With cancer, timely treatment is of the essence. Nobody should be waiting months for chemotherapy. We should strive to abolish waiting lists altogether. Imagine the number of lives we would save in this country if we did that. Screening does save lives. Early detection and treatment does save lives. What I find mind-blowing at the moment is that in September 2020, a person can get a haircut but cannot get a BreastCheck screening or have a face-to-face consultation if he or she has a mental health issue. A person can be in the physical space of somebody to get his or her hair done but cannot be in the physical space of somebody to carry out something that is perhaps an existential threat to that person's life. That has to change. It shows the confusion of priorities of the Government currently when that happens.

A date for the budget has been set. This is a real opportunity for the Minister of State personally and for the senior Minister in this Department, since this is the first budget where he will be a Minister. It is a test as to whether all that he said in the years that he spent on this side of the Chamber have been talk or whether there is substance to it.

There are a couple of issues that are related that I wish to raise. The first concerns Mary Bartley Meehan. Mary is a constituent of mine in County Meath, and she tragically lost both her son and her husband to Covid-19 in a nursing home in my county just a number of months ago. I am slow even to discuss her particular case because it is so shocking but it is important to discuss it. Her husband had terminal cancer and his face became infested with maggots by the time he was brought to a hospital. I do not say that for shock tactics but because Mary, in the past couple of weeks, has looked at a video recording of that situation that her husband was in. The reason she looked at that video recording was because she said that she had to know the full information for her to be able to fight for her husband. She is fighting. "Golfgate" was serious, but nobody has resigned or lost his or her job nor has there been any investigation for Mary Bartley Meehan. It is just mind-blowing that this is what happens in Ireland. I ask the Minister of State, if he can, to take the bull by the horns on this issue to ensure that Mary is not pushed around from Billy to Jack any longer in this.

I also wish to raise the issue of CervicalCheck. In recent days it has emerged that the governor of Florida is ordering state agencies to break ties with Quest Diagnostics after that lab mistakenly delayed the reporting of results of nearly 75,000 Covid-19 tests. It sounds familiar - delays, mistakes, and IT glitches. I have spoken to Sharon Butler Hughes, the woman who triggered the MacCraith report last year, and she is calling for the reopening of testing. The MacCraith report recommended that we put women first. The outsourcing of cancer screening does not put women first. We need to see funding used towards accrediting our laboratories here in Ireland so that we do not have to rely on laboratories abroad, which had the reputation of repeatedly making mistakes. This is another issue in the Minister of State's grasp. She should use the opportunity available to her.

**Deputy Danny Healy-Rae:** I am glad to get the opportunity to contribute. I thank Sinn Féin for bringing this very important topic to the floor of the Dáil, which gives us a chance to debate this very important issue. Cancer screening is so important and the fact that it was delayed or cancelled for so long means that there are people lining up for services. I understand it is the people who already have cancer who are being screened but we know the story. There is stage 1, stage 2, stage 3 and stage 4, and when a person arrives at stage 4, it is too late.

CervicalCheck is so important. As that has been cancelled also, there is an overloading in the system and a serious number of women who need attention. I am glad it is the Minister of State who is on the opposite side of the House because I know there is humanity in her as a

result of the way she fought for the unborn child, like myself and others. I know that she is listening to me. I appeal to her and the HSE, with which she is involved, to ensure that everything is done for these people.

A cancer diagnosis can happen suddenly. I had a lady on to me yesterday looking for a medical card. She was only diagnosed yesterday. She was working last week and she went for a check. The result came back yesterday that she had cancer and would have to go for treatment and possibly an operation. She said, "Danny, I feel fine but this is what has turned up." If she had not been diagnosed she would have been working away and the cancer would have gone too far before anything could have been done to treat it.

Regarding medical cards, an emergency medical card can be had if the GP completes the special form he has. Many of them do not even know they have that facility and complete the ordinary medical card form. However, if the doctor completes the emergency medical card form, the person will get the card in a couple of days. That is very important and it needs to be given to people.

**Deputy Michael Collins:** I thank Sinn Féin for giving us the opportunity to speak on this motion. More than 9,000 people die from cancer every year in Ireland. Therefore, urgent action is needed to ensure that the national cancer strategy meets its targets of being in the top quarter for five-year survival rates among EU states.

There are major backlogs in cancer screening and treatment in Ireland due to Covid-19. The HSE has advised that the CervicalCheck screening service resumed on 20 July and that bowel screening services resumed at the beginning of August 2020. However, for many women, BreastCheck has yet to resume. The HSE has indicated that the service is expected to resume later this month, September, or next month. That is simply not good enough. Will the service be able to catch up on the cervical screening? It appears highly unlikely that the service will fully catch up in respect of the BreastCheck and bowel check programmes.

I and my colleagues in the Rural Independent Group are calling on the Government for an urgent and comprehensive audit of each cancer service in the country to be undertaken immediately to, first, determine capacity levels; second, target additional capacity to areas which require it; and, three, ensure that additional financial resources required are correctly ring-fenced and targeted to ensure value for money and the benefit of cancer patients.

Governments should not use Covid-19 as an excuse for slippage in the early diagnosis and treatment of cancer patients. These capacity issues were apparent before Covid-19. Now, additional financial resources will be needed just to tread water. This is an enormous challenge that requires an ambitious and immediate response from Government.

Another major concern I have for the people of Cork South-West is the reason we cannot have a full BreastCheck clinic in Bantry General Hospital, which, I may add, is a hospital of excellence. This hospital has the capability of looking after tens of thousands of people. While I have the floor I again ask the Minister of State who is now in the Chamber - the Minister was here earlier - to have the HSE appoint a full-time anaesthetist for Bantry General Hospital, something for which I have called time and again and which was promised by Fianna Fáil in writing to the people of Cork South West. My worry is that I am not getting answers to date and that this is all falling on deaf ears. A full-time anaesthetist for Bantry General Hospital is required immediately.

**Deputy Richard O'Donoghue:** I welcome this timely motion. Well done to Sinn Féin for bringing it forward. I acknowledge 100% the priority given to the most urgent cases of cancer during the pandemic and the efforts that were made by the health services throughout the country. At the end of February this year, cancer hit our family. I cannot thank the HSE and all the people in the cancer services enough for what they have done for my family. I thank not only the people who helped our family through this time but also the people who surrounded my family and gave us support to allow me to come here and allow our family to function the way it did previously. They were hard times. People could not get to see their loved ones during treatment because of Covid-19, but the service my family got was second to none, and I thank everyone for that.

My concerns now are the huge waiting lists for colon cancer screening. At the end of February, in terms of non-urgent cases identified, 11,000 people had been waiting for appointments for at least three months. It is a fact that 15,780 people were waiting in August for a colonoscopy. Of that number, 11,780 were waiting for longer than three months. A total of 1,500 of that group were waiting for more than a year. That is outside the emergency group with symptoms that were being seen during the pandemic. What do we say to the 450 cancer patients who would have been diagnosed during the four-month period of the pandemic?

I am calling for a rapid access clinic and diagnostic services to ensure that people are diagnosed as early as possible, particularly in the so-called non-urgent cases. We were one of the lucky ones but there are many people who are waiting for screening and treatment now to help their case.

**Deputy Michael Healy-Rae:** I thank Deputy Cullinane very much, and Sinn Féin, for bringing this terribly important motion before the House. There is not a person in this room, in this county or in this country who has not been affected by the horrible disease that is cancer. It is a major fight for everybody who gets cancer to survive, do their best to try to prolong life and beat it, unless it beats them. Tragically, many people lose that battle, but at the same time we have to work with our healthcare professionals who do so much to try to save lives. Over recent years, the methods of fighting this awful disease have improved and the outcome for many people is far more positive now than it was in the past. People are surviving cancers that were unsurvivable in the past.

I compliment a number of people, for instance, the Irish Cancer Society in County Kerry; the Kerry Cancer Society; all the people in the group that organises fundraising, whether that is Daffodil Day or other events; my very close friend in Killarney, Eugene O'Sullivan, and the great team of people who work with him every year in organising Daffodil Day in the town of Killarney; and all of the outreach people throughout the county. They are in Kenmare and all around the Ring of Kerry. Every one of them put their shoulder to the wheel on Daffodil Day to raise much-needed funds. That funding is used, first, for the Kerry to Cork Link bus. I thank the organisers of that who provide an invaluable service to people in the county I represent. They take sick people from their own communities on that journey to Cork for treatment. The screening programme is so important.

With regard to the cancer link bus, if I were here for the rest of the night I could not compliment enough the people who drive it, organise it, seek sponsorship for it and fundraise for it because it makes a very tough and intolerable time tolerable. People make friends on that bus. It is an unusual thing to say but people going for cancer treatment enjoy the journey to Cork if at all possible because on that journey they meet friends in the same position as themselves.

They are all in the same fight; they are all in it together. There are people who are so kind to them. I thank the healthcare professionals, the people who organise the bus and the fundraisers. Theirs is such an important job of work. I thank and compliment each and every one of them. Again, I thank Deputy Cullinane for his work and for bringing this most important topic before the House.

**An Leas-Cheann Comhairle:** I am moving on to the Independent Group. Deputy Pringle is the first of three speakers.

**Deputy Thomas Pringle:** I hope the Leas-Cheann Comhairle will be speaking at some stage.

I congratulate Deputy Cullinane of Sinn Féin on the motion. It is very timely and it is important that it has been moved here tonight. The most interesting remark made on the Government side was made by the Minister, who said funding has not materialised and that this needs to change. It is interesting that he said that in his speech, yet the Government's counter-motion on the Order Paper makes no mention of it and lauds the great job the Government is doing.

When one reads the language in the counter-motion, one wonders what is happening. There is a reference to cancer services having continued at reduced capacity. The public is blamed for the decrease, the reason given being the "initial public reticence to attend for cancer services". The amendment states services were paused in March and also that programmes continued as hospital resources allowed. The effective resumption of services is to be at some ill-defined stage in the future. That is the problem. The Government is not accepting responsibility for making the services available again. We all know that services had to be curtailed initially because of Covid but they have to be got going again. For the Minister to say there will be a return to pre-Covid levels is pie in the sky. To get to pre-Covid levels, there is a need to increase greatly the number of people going through the hospitals. This will not be attempted. That is really the problem. Unless this is addressed, unless required staff are recruited and unless the way in which hospitals work and provide services is altered, we will not get to the stage where we can allow an increase in the numbers going through the hospitals. There needs to be immediate recruitment and a reorganisation of outpatient and inpatient systems within hospitals to increase the number of patients seen in order to get back to levels close to those before the Covid pandemic. The HSE and healthcare system have to accept that there has been a change. It has to be funded and managed. First, one has to make the funds available.

The one thing Covid has shown is that we can have a health service that responds to the people and provides for them but it has to be funded. If the Government continues to deny this, we will continue to have a system in crisis. That will be the real problem in the future. This can be resolved by providing funding. I doubt very much that the Government is going to do so. It is, however, the only way the issue can be resolved.

**Deputy Catherine Connolly:** I thank Sinn Féin for introducing this motion. I fully support it. I am a little disappointed in the Minister, not because he has just left but because he stood up and said he agreed with practically everything said and then proceeded with an amendment to the motion. For the life of me, I do not understand that. I cannot understand what the Minister would disagree with in the motion. Sinn Féin has been extremely reasonable. It has simply asked for a review of the national cancer strategy to address capacity deficiencies and to lay out a timeline for catch-up. The Minister has said he agrees with that so I am not sure what is occurring.

The motion calls for the reversal of historic underinvestment in cancer care. I believe the Minister agrees with that also. The motion calls for additional funding to be made available. The Minister agrees with that also. It would be a measure of his bona fides if he agreed with the motion and let us get on with the business of implementing the national cancer care strategy. Unfortunately, we are certainly not implementing it. When the Minister said he wants to go back to pre-Covid arrangements, I tremble. I certainly do not want to go back to pre-Covid treatment regarding the cancer strategy because its roll-out is utterly deficient. This is my interpretation but it is backed up by an analysis of the key performance indicators in the National Cancer Strategy 2017-2026. Time prevents me from going through them. I have put red question marks beside nearly all of the 23 indicators because we have failed to achieve the targets set.

On private hospitals, I have asked repeatedly for the service level agreements but I never got them. I would like them.

**Deputy Marian Harkin:** I fully support this Sinn Féin motion. If we implement its recommendations, we will save lives. Like many Deputies, I have received correspondence, particularly from women who are most anxious about the delay in BreastCheck and cervical screening. I accept that, because of Covid-19, we have major challenges but we need to strike a balance and respond in an equitable and efficient way to the health needs of all our population, Covid patients and non-Covid patients alike. In that context, I would like to emphasise the absolute need to restart BreastCheck as soon as possible, or immediately, and to ensure all screening programmes return to their pre-Covid levels. How often have we heard that screening saves lives? It does. We know that any delay in restarting BreastCheck, cervical cancer screening and colon cancer screening, which are still limited, will cost lives. I am not attributing blame for that but saying it because detecting cancer at an early stage ensures shorter and less invasive treatment, fewer days in acute hospitals and, critically, better outcomes for patients and fewer deaths.

Bowel screening is carried out at home, and further consultation can be carried out online or by telephone. The Minister, in his response, was not sure about the need for further resources but surely putting further resources towards bowel screening would make a difference.

Has any thought been given to mobile units for BreastCheck or cervical cancer screening? I can remember attending a mobile unit. It might be unprecedented but we have to have an unprecedented response.

We heard many statistics here tonight regarding cancer. I would like to cite one or two figures from the European Cancer Information System. These are projections but they are accurate forecasts. The organisation estimates that, in 2020 in Ireland, over 3,400 women will develop breast cancer. Over 1,300 women will develop colorectal cancer, and over 1,850 men will develop colorectal cancer. The question we have to answer this evening is how many of those cases, if they go undetected, will lead to death.

I am particularly concerned about BreastCheck. Back in 2016, its then clinical director stated: "BreastCheck can only be effective in achieving its goal of reducing the number of mortalities from breast cancer in the population if at least 70 per cent of eligible women attend for screening." Will the number this year be even half that?

*10 o'clock*

On 17 June in this House, the then Minister for Health, Deputy Harris, said the four screen-

ing programmes were finalising their plans for a phased reintroduction of screening. What has happened to BreastCheck? We are now just one week short of three months since the then Minister told us they are finalising their plans. He also said he was 100% committed on that day to a catch-up campaign and an information campaign. All I can say is that we still await evidence of this.

I am aware the Minister of State does not have a magic wand but the ask in this motion is perfectly reasonable and I believe it will make a positive difference to outcomes. I have not seen the Minister of State's counter-motion but I ask that she and the Government make that difference.

**Minister of State at the Department of Health (Deputy Mary Butler):** It is clear from the debate this evening that right across this House, Members share a commitment and determination to ensure that patients with cancer receive the best care possible and that they and their families are supported to live well with and beyond cancer. I thank all those who have contributed here tonight and those who shared personal stories. I heard Deputy Cullinane from my office when he spoke at the start about his beloved mother whom he lost last year. My own father died 25 years ago from cancer. His anniversary was last Sunday and I have to say that 25 years on it is still difficult, as it is for everyone who shared personal stories here tonight. There is not a family in Ireland that has not been affected by cancer and it is a timely debate.

We want to support families to live well with and beyond cancer. In a nutshell, this is what the national cancer strategy aims to achieve. The vision set out in the national cancer strategy is that, "together, we will strive to prevent cancer and work to improve the treatment, health and well-being, experiences and outcomes of those living with and beyond cancer".

This vision is one in which all aspects of cancer control, from the promotion of healthy living, more specific prevention measures, optimum treatment and quality of life measures across the patient's cancer journey and beyond are addressed, backed up by solid governance, workforce planning and research. The strategy sets out a ten-year roadmap towards the achievement of this vision.

Central to the achievement of this vision is the prevention of cancer wherever possible through the implementation of prevention programmes to reduce the incidence of cancer, an increase in symptom awareness and an increase in the number of cancers diagnosed at an early stage. We all know early intervention is crucial when one is dealing with any type of disease but especially with cancer because the outcomes can be so much more positive if one has early intervention.

The three national cancer screening programmes play a key part in the prevention and early detection of cancer. BreastCheck, CervicalCheck and BowelScreen have evolved and expanded over the years since their establishment, in line with international best practice. Since 2000, BreastCheck has provided more than 1.9 million mammograms to women and detected over 12,200 cancers, more than half of which were diagnosed at an early stage. I paused when I heard Deputy Tóibín compare a breast check mammogram to having one's hair done. For someone who has experienced both I do not think one could compare them.

Since its launch in 2008, CervicalCheck has provided almost 3.2 million cervical screening tests and detected more than 115,000 abnormalities, many of which could have developed into cervical cancer if not detected through screening. Furthermore, the CervicalCheck programme

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detected 1,500 cancers and detected and treated 64,000 precancerous cell changes between 2008 and 2018.

Since its launch in 2012, BowelScreen has detected 930 cancers and detected and removed 25,350 precancerous growths which if left untreated might have developed into bowel cancer. The resumption of these essential screening programmes is a key priority for me and for the Government. I know Members across this House all share this view because we have heard it here all night.

In the context of the next phase of the pandemic, our priority focus now is to facilitate the return of all cancer services to pre-Covid levels. However, it is important that in resuming services we ensure this happens in a safe and effective way, and in line with overall HSE planning to increase delivery of non-Covid services. CervicalCheck recommenced screening services at the beginning of July with invites being issued in line with programme prioritisation. BowelScreen resumed the issue of new invitations for screening on a phased basis from 4 August. It is projected that BreastCheck will resume within the coming weeks. In the first instance, invitations will issue to those women who were due to be screened during the paused period, beginning with those who have been waiting the longest. The Department has been assured that the national screening service has a plan in place for the safe and effective resumption of the screening programmes.

We are living in unprecedented times. The last six months have been challenging, but notwithstanding those challenges, cancer services have, insofar as possible, been maintained. Covid-19 has forced us to change the way our health services operate, and the way patients interact with our health services. Cancer services have adapted and continue to adapt. Through the extraordinary efforts on the part of our healthcare staff and the national cancer control programme, we have ensured that patients continued to receive essential care.

It is important to add at this point for those who are waiting to be called for screening, if a person feels he or she may have an issue it is important not to stand back and wait but to contact a GP. Obviously, the GP is the first line of defence and can refer a person on so it is important people realise that.

Despite the changed landscape, the vision of the national cancer strategy holds strong, as does our firm commitment to its implementation. The Minister, Deputy Donnelly, and I urge all Members of the House to recognise the good work being carried out in this area and to support the ongoing implementation of the national cancer strategy.

**Deputy Johnny Mythen:** I am happy to support the motion put before this House and I commend my colleague, Deputy Cullinane, for bringing it forward. We all agree cancer screening is the main tool we have in the diagnosis and treatment of this destructive, invasive and malignant disease. For instance, breast cancer screening is associated with a 40% reduction in cancer mortality. Colorectal cancer screening is associated with a 22% to 32% reduction in cancer mortality with a follow-up of 53% success rate.

Each of us in this House has lost relatives or dear friends or know someone in our communities who has died because of this disease. A collective approach is needed in the challenges ahead. Therefore, a collective duty of care to our citizens must be our first and foremost priority. The only way we can seriously do this is by prioritising cancer screening. The national cancer strategy is operating under stress and strain. Cancer screening has dropped to a completely

unacceptable and disproportionate level compared with this time last year. Medical oncology services are operating below 70% capacity. Studies have shown that more than 50% of women who have developed cervical cancer have not had appropriate screening. It was reported in January this year that less than 13% of women awaiting colposcopy services were seen at separate colposcopy clinics in counties Sligo and Wexford.

We need an organised system that can deliver appropriate risk assessments. We need a system that can ensure screening at recommended intervals, provide prompt diagnosis and treatment and that provides essential transport for cancer patients. The only way this can happen is to provide additional funding and an immediate review of the national cancer strategy. If we allow cancer screening to be tangled up and constrained under the current regimes of the Covid-19 pandemic then we have miserably failed our citizens. I ask for the Minister of State's full support for this motion.

**Deputy Martin Browne:** I also thank Deputy Cullinane for bringing this motion before the House. Every family in the country has been affected by cancer. We all know that early screening and diagnosis are crucial and can save lives. The current crisis has robbed us of time. For health reasons, services had to be reduced or cancelled. For people with a health condition they think might be cancer, this pandemic must have turned days into weeks and weeks into months. So far this year, fewer than 100,000 people have had cancer screening compared with over 500,000 last year. For this reason, it is vital that we do not delay in ensuring that the build-up in demand for screening and treatment be dealt with quickly and efficiently. Lives will be lost if addressing the backlog relating to screening and treatment is not made a priority.

Related procedures are already under great strain. For example, last month I was told that more than 1,000 people were awaiting various scope procedures at South Tipperary General Hospital alone. When it comes to the challenges relating to cancer screening and treatment, it is vital that our healthcare professionals have the resources to act quickly so that patients have the prospect of the best outcome, which is what this motion aims to do.

We are also asking for money to help in the context of what the Irish Cancer Society calls a chronic underfunding of the national cancer strategy. This has led to a lack of investment in innovation, new services and addressing the unmet needs of cancer patients. The historical underinvestment in health prior to the crisis to which Covid has given rise has made it harder to deal with the unexpected. Let us consider needs assessments in my constituency of Tipperary. Last month, 230 children in the mid-west area, including north Tipperary, had been awaiting needs assessments for over a year. A total of 106 children were overdue for the same service in south Tipperary. A total of 293 people had been awaiting occupational therapy appointments and 18 people had waited more than six months for child and adolescent mental health services in north Tipperary.

I am pointing out how historical underinvestment makes the system particularly vulnerable when a crisis is thrown into the mix. The Irish Cancer Society believes we are faced with a stark choice: either proper funding be provided or the pattern of underfunding will continue. The latter would see services and healthcare professionals remain overwhelmed, leading to the risk of worst outcomes for patients.

Sinn Féin calls for cancer care to be made a priority and that is why I am supporting the call for €20 million to meet the target set out in the national cancer strategy, €10 million to address missed cancer care caused by Covid-19, and a €10 million package to ensure that all screening

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services are restarted and all backlogs dealt with. I appeal to everyone in the Chamber to support the motion. It is too important to ignore.

**Deputy David Cullinane:** The Minister of State and I soldiered together and campaigned in respect of many local issues in Waterford. It is a bit surreal to see her sitting across the floor now and holding ministerial office. I take this, my first opportunity in the Chamber at least, to commend her on her appointment and to wish her well.

It is very telling that everybody who spoke tonight referred either to direct personal experience of cancer or to the experience of a family member. This shows the stark reality that cancer is a major scourge we all have to contend with and do our best to deal with. In crafting this motion and in my presentation to the media in recent days, I was very careful not to overstate the case. It is very important for us to be factual and to present the arguments in a very clear, intelligent and honest way. It is also important that we do not understate the case. Unfortunately, the reality is that cancer care has been chronically underfunded for far too long. I agree with what the Leas-Cheann Comhairle said earlier. I do not want to see a return to pre-Covid cancer levels. I want us to go beyond that and to get better and sharper at what we do.

I want to avail of this opportunity and commend a number of people and organisations. I commend the Irish Cancer Society. I commend to the Minister of State its pre-budget submission, which very clearly sets out the challenges and opportunities for cancer patients if we get it right. If we make the right investments, it sets out very clearly the improvements that can be made. I also commend the document I crafted on the investments which are necessary and the timeframes we need to adhere to if we are to give people the opportunities they need.

Furthermore, I wish to commend Mr. John Wall, a cancer patient and someone who is dealing with the disease. He has been a very strong advocate for screening services and for people to come forward and get tested. There are many people like him who have been campaigning to encourage people to go to their GPs and get tested. Screening plays a vital part in that. They are also calling for medical cards for all terminally ill patients. That issue should also be put on the floor of the Dáil today. It was a promise made by the Minister of State's party. There is some commitment in the programme for Government and we want to see it delivered.

I am a bit concerned about the Minister for Health's contribution to the debate. As previous speakers indicated, the Minister talked about the reopening of screening services. However, there is an incredible lack of detail about how this will happen. For example, the Minister stated, "It is projected that BreastCheck will resume in the coming weeks". He did not say which week, at what capacity or how many people will be screened. In talking about CervicalCheck he said, "CervicalCheck aims to have issued all invitations by spring 2021" to deal with the backlog. That is on the optimistic side. He also said that BowelScreen would operate at only 50% capacity, which is not acceptable. The Minister went on to say that we may not and we do not need any additional funding in respect of screening. I do not believe that for a second because if we have any chance of keeping up, never mind catching up, we will need to have more staffing, more physical space and more laboratory space. To say that is not a reality is accepting that we will have a greater build-up and more people waiting for screening and for treatment.

The Minister also talked about €3.5 million in new development funding. However, he failed to point out that €45 million is needed. He said that to me privately before making his contribution. He said he wants more money and cannot understand why it was not made available.

In his contribution, the Minister was actually talking about and giving a context to what the previous Government did. He was not even part of that Government. I would have preferred to hear about what he is going to do as the new Minister for Health and about his new ideas and the energy he wants to bring to dealing with this matter rather than getting a restatement of what we already know, namely, that the record of the previous Government reads like a litany of failure. I accept that there were successes in some areas but the fact is that the previous Government failed to meet almost all of its targets under the national cancer strategy. The bottom line is that we can, should and must do better to protect citizens from the scourge of cancer.

I commend the motion to the House. I hope the Government will have a rethink and support the motion rather than proceeding with its amendment.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 80(2), the division is postponed until the weekly division time on Thursday, 10 September 2020.

The Dáil adjourned at 10.20 p.m. until 10.30 a.m. on Wednesday, 9 September.