



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Ceisteanna - Questions	151
Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions	151
Garda Resources	151
Garda Reform	153
Legislative Briefings	156
Sex Offenders Notification Requirements	158
Ceisteanna Eile - Other Questions	160
Court Sitings	160
Crime Prevention	163
Garda Investigations	166
Garda Investigations	168
Female Genital Mutilation	170
Fire Safety	172
Crime Data	174
Ceisteanna ó Cheannairí - Leaders' Questions	176
Gnó na Dála - Business of Dáil	186
Report of the Committee of Standing Orders and Dáil Reform: Motion	186
Cancer Screening: Motion (Resumed) [Private Members]	190
Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) Regulations 2020: Motion (Resumed) [Private Members]	198
Services for People with Disabilities: Statements	201
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters	225
Public Health, Well-being and National Drugs Strategy: Statements	226
Saincheisteanna Tráthúla - Topical Issue Debate	246
Wastewater Treatment	246
Homeless Accommodation	249
Disability Support Services	251
Hospital Services	254
Ministers and Ministers of State (Successors) Bill 2020: Second Stage [Private Members].	257

DÁIL ÉIREANN

Déardaoin, 10 Meán Fómhair 2020

Thursday, 10 September 2020

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Ceisteanna - 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.

Ceisteanna ar Sonraíodh Uain Dóibh - Priority Questions

Garda Resources

1. **Deputy Martin Kenny** asked the Minister for Justice when funding will be made available to An Garda Síochána to set up regional cybercrime units that have been planned since 2016; and if she will make a statement on the matter. [23204/20]

Deputy Martin Kenny: Will the Minister for Justice tell us when funding will be made available to the Garda Síochána to set up the regional cybercrime units that have been planned since 2016? Will she make a statement on the matter and bring clarity to this issue?

Minister for Justice and Equality (Deputy Helen McEntee): At the outset, it is important to emphasise that the Garda Commissioner and his team are responsible for the operation and management of An Garda Síochána and the distribution of resources within that organisation. As Minister for Justice, it is important that I work with the Garda Commissioner and ensure that he can fulfil what it is he sets out to do. This includes the establishment of new units and structures. As Minister, however, I have no direct role in these matters.

I refer specifically to the Garda national cybercrime bureau, GNCB, which is involved in tackling cyber-enabled crimes in collaboration with other Garda units such as the Garda nation-

al economic crime bureau, GNECB. The GNCB is part of the special crime operations section of An Garda Síochána and its members undergo intensive training in the area of forensic computing and cybercrime investigations. The bureau's remit also includes providing information on current cybercrime trends and online crime prevention advice, while at the same time operating as the Garda cybercrime and computer forensics liaison with partners including academic institutions, Europol, Interpol, the FBI and other law enforcement agencies.

It is important to note while we are moving to set up these particular units that every Garda district at the moment has a number of personnel trained in the use of digital forensic toolsets for the examination of any physical device seized or surrendered during the course of such investigations. However, when required, assistance will be provided to members of the Garda Síochána during the course of an investigation by the cybercrime bureau which has examiners trained in the use of forensic examination software, computer forensics and fundamentals up to master's degree level, in addition to receiving peer reviewed practical training. This is already underway but, obviously, much more was planned.

With regard to the roll-out of the new regional cybercrime units, I am satisfied that An Garda Síochána has the necessary funding to set up these units. I confirm that in line with the normal sanctioning process that must take place, in particular, when we are talking about any ICT investment, whether it is for public or private service, there must be a particular process it goes through. There have been extensive consultations between my Department and An Garda Síochána on this matter. I understand the Department of Public Expenditure and Reform is currently considering the sanction request for the procurement of a managed service to facilitate the roll-out of the new regional cybercrime units and I expect a decision in the near future.

Deputy Martin Kenny: The issue here is that the gardaí and the Commissioner have made it clear they need these units now. There has been criticism for many years through the Courts Service and indeed many judges have criticised the huge delays and shortage of resources and staff in regard to this. This is really at the core of this. The main issue at stake here is child sex abuse imagery and how that can be tackled, which is a growing problem not just in Ireland, but across the world. It is something most people hope that we would be up to speed on as a modern economy and society. Online fraud, child exploitation and grooming, sexual abuse and rape must all be dealt with by having proper systems in place.

I understand the Garda Commissioner, Mr. Drew Harris, looked for the funding in 2016, which I believe is when it was first mooted to be required. The funding was applied for and was actually first sought from the Minister's Department in March 2019. A good article appeared in the *Irish Examiner* regarding this which stated the digital Government oversight unit received a business case from the Department of Justice and Equality in August 2020. What happened in those 15 months? Why could there not have been any movement on this?

Deputy Helen McEntee: I will outline here that funding is not an issue. I am satisfied the Commissioner will and does have the funding he needs. However, when one is rolling out any type of arrangements for digital or ICT-related expenditure, whether it is within the public or civil service, and An Garda Síochána obviously falls within that, a particular process must be undergone with the Department of Public Expenditure and Reform to approve the application of this.

In this specific case, the sanction required was to proceed with the procurement of a managed service solution for the Garda national cybercrime bureau and, again, I confirm my Department

has engaged with An Garda Síochána to satisfy itself on a number of matters. The business case was subsequently forwarded to the Department of Public Expenditure and Reform for the final sanctions. I am satisfied the funding is available and will be there for the progression of this. There is, however, a particular process that must be gone through, in particular on the issues Deputy Kenny mentioned around child pornography and the fact we have seen a massive increase in online crime throughout Covid-19, for obvious reasons. Many people are at home and on their computers but, particularly, older people perhaps are using their computers where they have not before. I am aware of this issue and my challenge now is to move it on as quickly as possible.

Deputy Martin Kenny: We are on the same page. However, I do not understand, and what the public does not understand when it looks on, is that when An Garda Síochána or any other body needs money for something vital and applies for it, that can take years to be processed. The Minister said, of course, that all kinds of systems must be gone through and there must be due diligence. We know that. It would be useful, however, if the Minister could outline the timescale around when An Garda Síochána applies to the Department for funding for a particular project like this. How long can it expect to wait before it receives sanction and gets the funding to provide the service? Is the Minister talking about three years or three months? It would be much more appropriate if it was three months in the context of what we need to get done here because this is a serious issue. The Commissioner outlined it in his recent reports to the Policing Authority. It is something that has been through the courts for years now. They are now complaining they cannot get the level of service they require in all this. Yet we find that when an application that makes common sense and that everyone agrees with goes to the Department, it is kicked from one party to the other over and back and nothing happens for years. It is no longer acceptable. It would be useful if the Minister, as a new Minister, put something in place to speed this up.

Deputy Helen McEntee: I understand the frustration and I cannot give the Deputy an exact timeline as to when exactly a Department or An Garda Síochána seeking initial funding for a project of this scale will receive approval. However, all ICT expenditure must meet particular criteria and a specific approval process must be followed. I can look at that approval process and see if it is unduly long or challenging, but a number of areas need to be looked at. This project will cost €13.8 million which is not small money. At the same time, it will be extremely valuable for the many areas the Deputy and I have both mentioned, considering the increase in cybercrime in recent weeks.

Modernising and developing our ICT infrastructure, not just within An Garda Síochána but also within the Department, the visa processing system and the courts system, is an absolute priority for me. If there are delays through this process or otherwise, I will certainly look at the issue. I am confident that this will be progressed as quickly as possible.

Garda Reform

2. **Deputy Mick Barry** asked the Minister for Justice if she will reverse the decision to transfer the powers to hire and promote gardaí from the Policing Authority to the Garda Commissioner in view of the recommendation from the Smithwick tribunal to remove this power from the Commissioner given its potential to discourage whistleblowing; and if she will make a statement on the matter. [23203/20]

An Leas-Cheann Comhairle: By agreement, Question No. 2 is being taken by Deputy Paul Murphy.

Deputy Paul Murphy: Are last week's media reports accurate in suggesting the Government is seriously planning to take the power to hire and promote senior gardaí from the Policing Authority, which was a reform designed to protect whistleblowers in particular, and give that power back to the Garda Commissioner? In light of all the scandals, can that really be the Government's plan?

Deputy Helen McEntee: The question makes reference to the Smithwick tribunal. However, the report of the Smithwick tribunal of inquiry makes no recommendation on the recruitment or promotion of members of An Garda Síochána. I believe the article in *The Irish Times* may have mentioned that.

The Deputy is referring to the recommendations of the report of the Commission on the Future of Policing in Ireland on the governance of An Garda Síochána. The Government is committed to rapidly implementing the commission's report and in that context to introduce the policing and community safety Bill. Work on the development of the general scheme of this Bill is at an advanced stage in my Department. Following consultations with the Garda Commissioner and the oversight bodies, including the Policing Authority and the Garda Síochána Ombudsman Commission, GSOC, which are under way at present on the detail of the proposals, I hope to bring the matter before Cabinet in the near future. I hope the Deputy will appreciate that this consultative process is under way and the question of approval or definitively stating whether something will happen will be a matter for the Government in the normal way.

It may be helpful to set out the background and the rationale to the proposals that are currently the subject of consultation and covered in the Deputy's question. As the Deputy will recall, the Commission on the Future of Policing in Ireland, chaired by Kathleen O'Toole and comprising a group of national and international experts drawn from diverse backgrounds, was established by the previous Government to undertake a fundamental examination of all aspects of policing, including all functions undertaken by An Garda Síochána and the bodies that have a role in providing oversight - the Policing Authority, the Garda Síochána Inspectorate, the Garda Síochána Ombudsman Commission, my Department and the Government. The commission's 2018 report followed wide-ranging consultations and intensive deliberations. All the recommendations were accepted by Government, including the recommendations the Deputy mentioned. These have been included in the four-year plan, A Policing Service for our Future (2019-2022), to support its implementation and under which, I am pleased to say, much has been achieved.

The policing and community safety Bill is an important element of that plan. It will, as I have said, provide a new coherent governance and oversight framework for policing. Essentially it is proposed that the inspectorate and the Policing Authority will merge into one new body. GSOC will remain but have a change of name. There will be an oversight board.

Deputy Paul Murphy: I think that means the answer is "Yes", but I ask for confirmation. Is *The Irish Times* accurate in stating that the Garda Commissioner would regain power to make appointments and promotions in the force under plans agreed by the coalition? That is a very serious decision that has significant implications. The report of the Smithwick tribunal found that loyalty is prized over honesty within the Garda Síochána. That is one of the reasons that in 2017, as a reform to protect whistleblowers such as Maurice McCabe, the decision to hire

and promote senior gardaí was taken out of the hands of the Garda Commissioner and given to the Policing Authority. I believe it is an insufficient reform but one that goes in the right direction. Is it accurate that the Government is planning to give that power back to the Garda Commissioner? Is that because the Minister is not concerned about the treatment of whistleblowers? Does she not think whistleblowers will be discriminated against within the force by a future Garda Commissioner in the event that they are seen as being disloyal to their colleagues because they are blowing the whistle?

Deputy Helen McEntee: The Deputy asked two questions. On whistleblowers, the Protective Disclosures Act, introduced in 2014 by former colleagues of mine, provides a very clear statutory framework within which workers can raise concerns over potential wrongdoings in the workplace that come to their attention. They can do this in the full knowledge that they can avail of significant employment and other protections if they are penalised by their employer or suffer any detriment from making such disclosures. This will not change with the potential changes to the structures within An Garda Síochána. Serving or former members of An Garda Síochána may continue to communicate their concerns through making a disclosure to the Garda Commissioner or, if they do not want to do that through the Garda Commissioner or their employer, they can continue to make that complaint through GSOC, which is the statutory independent body for such investigations, or to me, as Minister for Justice and Equality, or any subsequent Minister for Justice and Equality.

The Act also requires that every public body shall establish and maintain procedures for the making of protected disclosures by workers who are or were employed by the public body for dealing with such disclosures. Those mechanisms and protections will remain in place after the changing of the structures here. I may deal with the board in my next answer. It will not change that for whistleblowers.

Deputy Paul Murphy: If the Government gets away with this, in future whistleblowers or perceived whistleblowers may be discriminated against in terms of promotion by a Garda Commissioner. The power was taken out of the hands of the Garda Commissioner and given to the Policing Authority for a very good reason. We all saw the disgraceful treatment of Maurice McCabe and others. It is an astounding counter-reform to recentralise power in the hands of the Garda Commissioner given the chilling effect that can have within the ranks. How much discussion was this subject to within the Government? Is the Green Party on board with the plan to give the power back to the Garda Commissioner to allow discrimination in that sense against whistleblowers in the force? This is an explosive and outrageous decision by the Government and should be the subject of a significant public debate. Rather than just implementing recommendations, the Government is recentralising powers in the hands of the Garda Commissioner which will have very negative effects for whistleblowers in the future.

Deputy Helen McEntee: This matter has been the subject of some debate and discussion among all the agencies. It will go through the normal processes and procedures in the Dáil and there will be a chance to debate it. We are not talking about giving power to one person alone. There is a very clear oversight structure here. The role of the board will be to better support and manage An Garda Síochána. In addition to providing support, it will also be able to constructively challenge the Garda Commissioner who will be accountable for his performance and that of his team. He works with the board, which in turn will be accountable to me, as Minister with responsibility, as I would have for any public sector board. As is clearly set out in the commission's report, I will be accountable to the Oireachtas for policing and crime.

A very clear system and structure have been put in place. This has gone through significant engagement with the various authorities. The commission was established for a reason. We needed to restructure. Obviously, there had been faults and challenges within the system. We are trying to put in place a structure and system where there is very clear oversight and where we have absolute confidence in An Garda Síochána. There will be oversight at every step of the way and obviously the Oireachtas has an involvement at all stages.

Legislative Briefings

3. **Deputy Martin Kenny** asked the Minister for Justice if it was her decision to omit section 3 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 from her request for a waiver of pre-legislative scrutiny; and if she will make a statement on the matter. [23037/20]

Deputy Martin Kenny: In my hand I have the briefing note for the pre-legislative scrutiny for the general scheme of the Civil Law and Criminal Law (Miscellaneous Provisions) Bill which was passed just before the recess. That makes no mention of Chapter 3 relating to the admissibility of business documents in civil cases. Was it the Minister's decision to omit that and to subsequently mislead the House and the Deputies here?

Deputy Helen McEntee: Absolutely nobody had any intention to mislead the Dáil, to omit anything intentionally or to try to sneak anything in with this legislation, as has been suggested before. The Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 was enacted on 6 August and constitutes the Government response to the new challenges posed to our courts and legal systems by the current pandemic. The Act also goes beyond the pandemic, as we outlined at the time, and will make many of our legal processes more efficient and effective in the future.

As the Deputy will be aware, the Act covers a wide range of issues in respect of both our civil and criminal legal systems, including the reform of the law concerning coroners; the introduction of a statutory basis for our courts to conduct remote hearings; the admissibility of business records as evidence in civil proceedings, which the Deputy has referred to; the lodgement of documents with the courts by electronic means, known as e-filing; the lodgement of statements of truth with the courts by electronic means; provision for the wider use of video links between persons in custody and the courts; enhancing and widening the existing provisions on giving evidence through video link; providing for appeals in criminal proceedings to take place via remote hearings; removing the existing requirement to transport prisoners between prisons; and providing for the remote meetings of State bodies. A significant amount of work went into this legislation. It will also make it easier for the Courts Service to alter operating hours.

I assume the Deputy means to refer to Part 3, Chapter 3 of the Act entitled, Business records and other documents in civil proceedings, which was the focus of much debate at the time, rather than section 3 of the Act, which is a standard provision. The position is that there was no decision to exclude Part 3, Chapter 3 of the Act from pre-legislative scrutiny. I am very clear on that. The Deputy is right that the general scheme of the Bill, as approved by Cabinet at its meeting on 13 July, did not include Part 3, Chapter 3. On 14 July, I sought a waiver for the requirement of pre-legislative scrutiny under Standing Order 173 for the Bill, as it was primarily a Covid-19 related measure and needed to be progressed quickly. I sought the waiver, in good faith, on the basis of the general scheme approved by Cabinet.

In bringing this proposal to Cabinet, I indicated the potential for inclusion in the Bill of additional measures to support the holding of criminal and civil trials under Covid-19 restraints and these were subsequently included in the Bill, as approved by Government on 20 July. The legislation we introduced last week went through in a similar fashion and I thank Deputies for their support in that. Changes were made to the initial draft of that Bill when it was eventually published. This is the norm and it often happens. There was no attempt at concealment.

Deputy Martin Kenny: It is not the norm for this to happen; it is totally unusual for legislation to go through without pre-legislative scrutiny. It is not normal and should not be normal. The Minister made the point that nobody attempted to deceive anyone or to sneak anything in. I do not understand how she can say no attempt was made when that is exactly what was done. We were asked to waive pre-legislative scrutiny on the basis of the briefing note we received. That briefing note did not mention Part 3, Chapter 3, as the Minister has conceded. Was it the Minister's decision not to mention the chapter? At the end of the day, we are all on board in trying to ensure everything that can be done to combat Covid-19 is done. We all work together to do so. We have to trust each other and trust that we are all doing the right thing. The problem here is that, when something like this happens, it feeds that small group of negative right-wing people - the people who say we should not wear masks and that all of this is a conspiracy and who spread all of this nonsense across the country wherever they can. The Minister is giving them oxygen by doing this kind of thing. Was it the Minister's decision to do this or was it the Department's decision? Somebody has to be held accountable for misleading the people in this House.

An Leas-Cheann Comhairle: I ask the Minister and the Deputy to co-operate with regard to time so that we can let more Deputies in for questions. Each question is important to the Deputy asking it.

Deputy Helen McEntee: I will say again that there was absolutely no attempt to mislead anybody in the Dáil. When I say this is something which happens regularly, it should be noted that we asked that pre-legislative scrutiny be waived for the previous two Bills I brought forward because of the prevailing circumstances. I appreciate that Deputies allowed us to do so and I thank them for that. Additions were made to both Bills, all of which were necessary at the time. A process was undertaken in putting this legislation together. A medium-term planning group was established by my Department to identify medium-term measures to address the impact of the pandemic on the justice system and on the courts in particular. The group comprised various stakeholders, including the Legal Aid Board, the Insolvency Service of Ireland, the Courts Service, members of the Judiciary and my officials. Part of the group's work was to identify and review measures for inclusion in the Bill. We also engaged with the Law Society in this regard. As the Deputy will know and as I outlined at the time, this particular reform measure has been sought for some time. It is already in place in respect of criminal trials. Our nearest neighbour, which is a similar common law jurisdiction, also has such a measure in place. This was very well understood and had been sought for some time. There was no specific reason for not including it in the earlier process. It was just included at a later date.

Deputy Martin Kenny: The Minister was here when the debate took place. No speaker from the Government or the Opposition spoke in favour of Chapter 3. Everybody said it should be deferred. Everybody in the legal profession to whom I spoke said there was no urgency with this particular issue. Despite this, it was included in the Bill. I want to know who decided to do that because, quite frankly, somebody in the Department of Justice and Equality, under the Minister's watch, had to have decided to do it and to slip it in without her noticing. That person

should be sacked because officials are responsible to this House, not just to the Minister. Somebody has to be held accountable when this sort of situation arises. It is totally wrong to break trust at a time when everyone in the country is working together against the coronavirus to ensure our communities and citizens are protected. It is totally outrageous. It was outrageous when it happened over the summer and that has not changed; it is still outrageous. Somebody needs to be held to account for this. If the Minister is saying that it was not her who decided to omit this, she should find out who did and hold that person to account. That has to happen.

Deputy Helen McEntee: I stand over my decision to include this in the Bill. This question was asked of me at the time and I stood over my decision then. The aim of this particular section is to make our legal systems and courts more efficient and accessible. The reason for its introduction is that, in the majority of cases and in the absence of legislative reform, litigants may agree to admit business records without requiring each one to be formally provided in court by a witness to avoid unnecessary costs and delays in court. In a minority of cases, certain litigants may insist on proof of each and every document, notwithstanding that there is no question or doubt as to the authenticity of the documents concerned. This is not in the interests of justice. These cases have posed increasing difficulties for our courts in recent years and highlight the need for statutory intervention.

At the time, it was suggested that I or my Department had been lobbied by various vulture funds. I can categorically say that no vulture fund, bank or anybody else contacted me, my Department or the Office of the Attorney General, which worked with us on this legislation. There were also suggestions regarding a particular case, *Promontoria (Aran) Limited v. Burns*. What happened in that case is that an application was made to interpret the law as it currently stands with regard to the admissibility of business records in civil cases. Both judgments delivered by the court were clear that this area of the law needed to change. This is why the measure was introduced and the reason I accepted it and passed it through. There was no intention to mislead anybody in the Dáil or any other intention.

Sex Offenders Notification Requirements

4. **Deputy Denis Naughten** asked the Minister for Justice her plans to reform the monitoring of sex offenders; and if she will make a statement on the matter. [23115/20]

Deputy Denis Naughten: In 2009, the then Minister for Justice, Equality and Law Reform announced that new statutory powers were to be given to An Garda Síochána to more effectively and efficiently monitor released sex offenders. Due to the lack of progress, in 2012 I published the Child Sex Offenders (Information and Monitoring) Bill 2012 to close the gaping loopholes in the monitoring of high-risk sex offenders. This Bill passed Second Stage in the House in 2013. Since I published that Bill to reform the monitoring of sex offenders in 2012, some 800 sex offenders have been released from prison, some of whom may have been stopped from reoffending if the laws had been reformed.

Deputy Helen McEntee: I thank the Deputy for raising this extremely important issue, on which I know he is particularly focused and on which he wants to see progress. I understand the concern which communities can have with regard to the issue of rehabilitation of sex offenders and the protection of public safety and our citizens.

It is important to note that there are already provisions in existing law with regard to the

management of sex offenders after they have been released from prison. The Sex Offenders Act 2001 provides that a court can impose conditions on a convicted sex offender as part of his or her post-release supervision. Further, where An Garda Síochána believes that a convicted offender poses a serious risk to the public, an application can be made to the courts for a sex offender order under section 16 of the 2001 Act. Such an order can prohibit the offender from doing anything the court considers necessary to ensure the public is protected from serious harm.

On legislative reform, I can confirm that the general scheme of the Sex Offenders (Amendment) Bill 2018 was developed by my Department following a comprehensive review of current law and administrative practice. The general scheme was approved by Government in June 2018 and it is available on my Department's website.

The Bill is currently with the Office of the Parliamentary Counsel, OPC, for drafting. My officials and that office are working together to finalise the draft with a view to publication of the Bill as soon as possible. Obviously that Bill has been with the OPC for some time now so I have asked for an update on the expected timeline as it is something I would like to progress as soon as possible.

The purpose of the Bill is to enhance current systems for assessment and management of convicted sex offenders and to put those systems on a statutory footing. The drafting process is not yet complete. The provisions of it are well known but I will outline a few. I expect the Bill to include stricter notification requirements, including requiring offenders to notify gardaí of their address upon release from custody, or any subsequent change of address, within three days as opposed to the existing seven days. I also expect provision to allow for fingerprinting and photographing of the offender where necessary to confirm their identity. I expect enhanced supervision of high-risk offenders, including, in limited circumstances, the electronic monitoring of offenders subject to post-release supervision orders.

Deputy Denis Naughten: I thank the Minister. I am glad she mentioned the current law because a convicted sex offender released from Arbour Hill Prison this morning, can toddle down to O'Connell Street and put a letter in the post addressed to the Superintendent's office, An Garda Síochána, Bandon Garda station, Bandon, County Cork informing them they are going to reside at 55, Atlantic View, Malin Head, County Donegal. Once they are in that premises on one day in seven they are in compliance with the current law on sex offenders. The reality is that one could drive a coach and four through the so-called sex offenders register we have. It is nothing but a fig leaf. Any sexual predator who is determined to reoffend can easily do so undetected and still comply with the current law. This was a priority in the previous programme for Government, it is a priority in this programme for Government but when will we see the legislation published?

Deputy Helen McEntee: This is something that has taken some time and, therefore, I assure the Deputy again that I have asked for an update on the timeline of this and I have asked that it be progressed as soon as possible. I will finish outlining some of the areas included in the legislation. We will have enhanced supervision of high-risk offenders including, in limited circumstances, the electronic monitoring of offenders subject to post-release supervision orders, the placing on a legislative footing of assessment teams to assess and manage the risk posed by sex offenders and provisions whereby a court can prohibit a sex offender from working with children which is particularly important. We will have provision for a statutory basis for the necessary disclosure of information relating to a high-risk offender on the sex offenders reg-

ister. The information about any offender which may be disclosed includes the name, address and threat posed by the offender. There is, of course, a need for balance in these measures and, therefore, it is intended that the disclosure would be made to the minimum number of people necessary to avert a serious risk to safety.

I understand the Deputy's concerns but as I outlined earlier there is legislation in place at the moment, under which if a sex offender is sentenced to a term of imprisonment of two or more years, he or she will be subject to notification requirements for a period of indefinite duration. While the measures may not be strict enough at the moment there are a significant number of measures.

Deputy Denis Naughten: The difficulty is that the balance is entirely in the hands of the perpetrator at present. It is important to note that only one in ten sexual offences is reported and approximately one in 20 results in a conviction. Half of these convictions involve children. Even an effectively operating sex offender monitoring regime, therefore, will not address the total concerns of parents. However, the current system of keeping track of the location of sex offenders is just not working. As a consequence of these very lax monitoring conditions women and children are put at grossly unacceptable risk from those who are determined to reoffend. The Garda are trying to monitor these people with both hands tied behind their backs. Since 2009 there has been a commitment to reform the law in this area and we need a date.

Deputy Helen McEntee: I fully accept the Deputy's concerns and that we need to make progress in the area but while there is legislation there, it does not go far enough. That is why we need this legislation. As such I commit again to try to progress this as quickly as possible. There are obviously other areas as well that relate to sexual offences. The Sexual Offences Act 2017 specifically provides for a review of those provisions after three years. Consequently, earlier this summer, I commissioned an independent expert, Ms Maura Butler, to undertake this review and more generally of the area of domestic, sexual and gender-based violence. This is an absolute priority for me as Minister.

We launched the O'Malley report just before the summer recess and we are currently working through a ten-week engagement process with all stakeholders including an Garda Síochána to put in place an implementation plan, particularly focusing on vulnerable witnesses. This does not just include victims of rape, be they men or women, but also vulnerable witnesses, including children and those with disabilities or other challenges. A large volume of work is being done in this area. With specific reference to this legislation, I accept the Deputy's concerns. I share them and want to see this implemented as soon as possible.

Ceisteanna Eile - Other Questions

Court Sittings

5. **Deputy Sorca Clarke** asked the Minister for Justice the impact of Covid-19 on the District Family Court service schedule; and when sittings are expected to return to full capacity. [22856/20]

Deputy Sorca Clarke: While most crime decreased over Covid, domestic violence recorded the largest increase. What impact has this had on the schedule of our family courts and when are sittings expected to return to full capacity? The impact these services have on those living with domestic violence cannot be overstated and they need to be put back in place as soon as possible.

Deputy Helen McEntee: I thank the Deputy for raising what is an extremely important issue. She is correct that we have unfortunately witnessed a significant increase in domestic violence through the Covid months, due to the fact that many people have been at home and have had no other place to go for safety.

Under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service but I will outline where we are currently. I welcome the fact that the family law courts are continuing to sit. Throughout Covid, even with the diminished capabilities in the Courts Service they continued to prioritise urgent matters. Specifically, these were family-related matters but also domestic abuse. However, for the safety of everyone concerned, court business has been and must continue to be conducted in accordance with public health guidelines. As a result, there have been changes to the administration of the business of each court to ensure public safety. The net effect is that, unfortunately and regrettably, fewer cases can be listed every day in order to ensure that maximum attendance levels in courthouses are not exceeded.

The Courts Service has been working to reduce Covid-19 related waiting times. The existing courts video link has been extended to facilitate remote court sittings and we have in particular tried to prioritise and focus this on families where parents have perhaps not been able to get to court. I was glad to make an application, in which we were successful, to receive an additional €5 million for the Courts Service to increase the number of courtrooms and supports available throughout this pandemic.

The Courts Service has advised that regular business in the District Courts, which the Deputy mentioned in her question, has resumed as much as is safely possible since 1 September. These measures will however be constantly reviewed in line with public health guidelines and may be subject to change as the guidelines change or experience suggests changes are required. The Courts Service website has further details on that. Individuals represented by a solicitor should contact them to discuss their situation but if a case is particularly urgent and there is no legal representation, local court offices can explain how an early date for court can be obtained. Again, this is where there is a family-related matter or a case of domestic abuse.

My Department is actively working to deliver much needed modernisation of the family law system in Ireland. This modernisation includes the introduction of a new family court Bill and the development of a dedicated family court system.

Deputy Sorca Clarke: The enormous impact on the lives of people across the country is particularly evident in those who seek access to the family courts. How will the family court and family law Bill the Minister mentioned address the adversarial nature of family law proceedings? It has to be available to anyone who needs it. This includes the reassurance of access to barring, safety and protection orders but also the other side of family court cases: access to children, guardianship and maintenance payments. Women's Aid said they have experienced a 43% increase in calls to their helpline. The Garda attempted to contact more than 8,000 people living in a dangerous environment. These areas also need additional resources. Will the Minis-

ter give a guarantee or commitment that any service dealing with those who live with domestic abuse will see an increase in the resources being made available to them to meet that increase in demand?

Deputy Helen McEntee: I thank the Deputy. We could perhaps look at it in two ways. The intention throughout Covid-19 has been that urgent cases relating in particular to family law and domestic violence will be prioritised by the courts, which they have been since the beginning of the pandemic. I am aware of issues because people in my constituency have contacted me about child access arrangements where perhaps one parent has used Covid-19 as a reason not to allow somebody to see their child. This is absolutely wrong. Restrictions brought in due to Covid-19 do not stop orders being implemented and should not be used as an excuse by any party. Every effort has been made, in particular since 1 September and the reopening of the various courts, to protect the most vulnerable people.

The courts are adopting measures to schedule court days in accordance with business so people are told when they will be heard in order that they can come at that particular time. This had often been a challenge previously. There are variations in the volume of work that can be safely carried out in the District Courts as some of the buildings have a greater capacity. We have introduced video links so people can have access to the courts without actually going in and seeing the person they are in court with.

Deputy Sorca Clarke: What is the current backlog in the family court service? What are the actual numbers? Does the Minister have this information to hand?

Deputy Helen McEntee: No.

Deputy Sorca Clarke: Can it be provided?

An Leas-Cheann Comhairle: The Deputy has a minute to put her question.

Deputy Sorca Clarke: Can that information be provided? What is the current backlog in the family court services? These figures represent people in crisis. Otherwise they would not be in the family court service to begin with. We have an obligation to ensure any support these individuals and families need is put in place as soon as possible.

Deputy Helen McEntee: I do not have the figures to hand. As I mentioned, management of the courts' services is a matter for the courts but I can certainly ask for and seek that information. I know every effort has been made to try to ensure that urgent cases involving the most vulnerable people in complex family situations and victims of sexual and domestic abuse have been seen. From 1 September, a huge amount of work has been done by the Chief Justice, the various presidents of the courts and the Department on seeking additional funding to support the courts in resuming services as much as possible. When I spoke to the Chief Justice prior to the summer recess his intention was that the courts would resume with a capacity of 70% to 80% in the autumn. This is the objective he wants to achieve.

With regard to the family courts Bill, I hope to have the heads of the Bill before the Government in the coming week or two. It will be quite a large Bill and I look forward to engaging with the Deputy on it.

The specific family court at Hammond Lane will be a significant development. I was pleased to be able to announce additional funding for it earlier in the summer and work will progress as

soon as possible.

An Leas-Cheann Comhairle: I thank Deputy Clarke, who is well within her time. If we move on like this, a lot of Deputies will get in.

Crime Prevention

6. **Deputy Ruairí Ó Murchú** asked the Minister for Justice the amount of funding allocated to implementing the national drugs strategy in County Louth; and if there is scope to increase funding following the outcome of the recommendations presented in the Drogheda scoping exercise. [22994/20]

23. **Deputy Fergus O'Dowd** asked the Minister for Justice the status of the scoping exercise for Drogheda, County Louth, announced on 21 August 2020; the date of commencement and other relevant details on the matter; and if she will make a statement on the matter. [22869/20]

173. **Deputy Ruairí Ó Murchú** asked the Minister for Justice her plans to extend to other areas in County Louth the Drogheda scoping exercise that is due to be undertaken. [23176/20]

Deputy Ruairí Ó Murchú: What amount of funding has been allocated to implementing the national drugs strategy in County Louth? I am also asking about the level of resources required and whether there is scope to increase funding following the outcome of the recommendations presented in the Drogheda scoping exercise. I have made a request that the exercise be escalated to involve major towns such as Dundalk in County Louth, which have huge problems in this particular regard.

Deputy Fergus O'Dowd: In view of the Minister's interest in fighting criminality in County Louth, particularly in Drogheda with her attendance at the protest following the barbarous murder of one of our citizens, the petrol bombing of homes and the intimidation of people, will she give us more detail on a very welcome scoping report for Drogheda to look at all of the issues with regard to criminality, crime, youth crime, youth supports, recreation and amenity and support for community organisations, exactly as happened in the north inner city of Dublin?

Deputy Helen McEntee: I propose to take Questions Nos. 6, 23 and 173 together.

I thank the Deputies for raising this issue. It is obviously very close to both Deputies, who have worked extremely hard in their communities and with local resources and authorities to try to address this.

As the Deputies are aware, on Friday 21 August 2020, I appointed the former director of the Probation Service, Vivian Geiran, to carry out a scoping exercise to assess the impact that criminal activity in Drogheda is having on the community and make recommendations for action. I am pleased that Mr. Geiran is available to carry out this scoping exercise, which will make recommendations on what action we need to take in Drogheda in light of the impact of the criminal activity there. The scoping exercise will gather and assess information relating to the ongoing challenges and needs experienced by communities in Drogheda, and identify opportunities to connect, support and strengthen services in the area, including in particular those for young people. The exercise will look at the areas of community safety, policing, the impact of substance abuse, and drug debt intimidation but also at community development needs, the existing service landscape, including facilities for families and children's services, the physical

environment of the town, and education and employment opportunities.

I met Mr. Geiran last week to discuss his work and to assure him of my absolute support as Minister and my commitment to this project as somebody who is not from Drogheda but who lives in the neighbouring village of Slane in County Meath. I have seen how this problem has seeped out of the town of Drogheda into the surrounding areas, not just to Dundalk but also to Laytown, Bettystown and Duleek. It is something I want to see addressed.

The work, which will take between six and ten weeks to complete, includes gathering information and assessing the scale and nature of the problem in order to map the services available and identify any gaps. Mr. Geiran will engage with residents, service providers, including An Garda Síochána, businesses and other members of the community, and draw on their local knowledge and understanding of the problems to identify key opportunities for action.

I am aware a body of work had been started by the chief executive of Louth County Council and the intention is to continue to work with the local council, councillors, local representatives and Deputies and Senators in the area, and I am sure Mr. Geiran will engage with all representatives.

As I have mentioned, the issue in Drogheda has spilled into neighbouring areas and, where relevant to the scoping exercise, this will be taken into account. It is a matter I discussed with Mr. Geiran. It will take into account that this problem does not just have an impact on the people of Drogheda, although it is the main focus. We have seen how it seeped into other communities, towns, villages and rural areas. I have asked Mr. Geiran to ensure there is no limit if he feels he needs to go further than the town.

As the Deputies are aware, the national drugs strategy is under the remit of my colleague, the Minister for Health and, therefore, is a matter for that Department. With regard to the funding, while I have asked Mr. Geiran not to hold back on what he feels is needed, it should not just be about additional funding. There are, of course, services and supports. We heard very clearly from many people at the march earlier this year that some of the organisations need additional support, help and funding. However, there needs to be a particular focus on where we can better connect and better integrate the services that are already in place, where we can link people in a better way and understand what each one is doing and where they can understand themselves in order that they can support people and provide a greater wraparound service.

We are also considering that the recommendations of the Commission on the Future of Policing in Ireland very much focus on community policing, and this will be a particular priority here. Whatever we do, and whatever recommendations come out of this, they will feed into the overall work being done by An Garda Síochána.

Deputy Ruairí Ó Murchú: I welcome the Minister's response. The scoping exercise is absolutely necessary. She spoke about how this problem in Drogheda has seeped into other areas, including County Meath. Criminality is interconnected and any scoping exercise must at least look at the entire county and beyond, particularly where there are major connections to organised crime between Dundalk and Drogheda. We are dealing with a very dangerous quotient of criminals. I welcome the Minister's mention of drug debt intimidation. I accept that the national drug strategy does not fall under her remit but I have had this conversation with the Minister previously. We need somebody at the Cabinet who has full responsibility for dealing with the entire drugs problem, which encompasses health, justice, education and children. We

need this to happen as quickly as possible.

We also need to ensure we have all of the wraparound services. Gardaí would be the first to tell us we do not have, even through NGOs or the State itself, the additional services required. They end up chasing their tails.

Deputy Fergus O'Dowd: I welcome the Minister's statement and, as I said earlier, her commitment to Drogheda and the surrounding area. I agree with her that there is a drug problem and criminality in east Meath in towns such as Laytown, Bettystown, Mornington, Donacarney and even Duleek. This is the real change in our society in Drogheda. This is the first time the Minister holding the justice portfolio has cared and the first time the Government will act and significantly invest in the social infrastructure there, supporting areas that suffer from economic loss and lack of employment.

In addition, the Garda is doing a fantastic job. I welcome the increased number of gardaí and the determination of Chief Superintendent Christy Mangan to win this battle for the people and to make sure all these criminals are put behind bars.

The other side of this is to support, nurture and improve the facilities, particularly on our working-class estates, which suffer from a deficit of appropriate and proper recreation facilities and other amenities. Working together, as the Minister wants to do, and across Departments, which must be involved in this, we will make Drogheda just like the north inner city of Dublin is, a changed area where the many, not the few criminals, are winning.

Deputy Helen McEntee: I again thank both Deputies for their commitment to this. The implementation of these recommendations will only work, if all agencies, including the various Departments, whether Justice and Equality, Health, Education and Skills or Employment Affairs and Social Protection, come together. This mirrors the work we intend to do through the recommendations of the Commission on the Future of Policing in Ireland, in respect of which we are bringing together all the various agencies. It was alluded to, that in many cases, particularly at weekends and where services are closed or otherwise not available to people, gardaí are the front-line service that people call. They are there for health reasons, housing reasons and many other reasons. What we need is for them to be on the ground tackling criminality and working with our communities. They can only do that with the support of all the various agencies. That is why I hope with the recommendations from Mr. Geiran that we can set about this work specifically in the town of Drogheda. I accept there are other surrounding areas in the county and other counties that would like to be included, but this is a specific ask from the people of Drogheda, given the very serious crimes that have happened there in recent years. I have asked Mr. Geiran to expand that if he needs to do so.

Deputy Ruairí Ó Murchú: I welcome what the Minister said. In that scoping exercise, they will need to look above and beyond just Drogheda and will have to take into account wider facets. There is a necessity for an audit of all services and the capacity and capability of the gardaí, who are doing brilliant work tackling these crimes. We are, however, starting from behind. I have recently been in houses in major urban areas in Dundalk that have been firebombed. I have also been out in north County Louth, where houses have been attacked in cases of attempted drug debt intimidation, putting pressure on parents to pay their children's debts. This is happening across the board. It is becoming absolutely normal for many people. We need to make sure that along with dealing with the health aspects of this and ensuring that all sectors have sufficient funding, we deal with the backlog in courts and serious criminals by

putting them where they need to be put. I commend the Red Door Project, Turas and Family Addiction Support Network in Dundalk

Deputy Fergus O'Dowd: I believe this initiative will be transformational in our county, particularly in our town and surrounding area. I look at the young people growing up and the opportunities they need and which they have been deprived of in the past because Government policy has not invested adequately in employment locally. I welcome Amazon's building of a data centre in Drogheda, and there are good signs of increased investment in our community. Young people need to be shown the way, and they are willing to grasp the opportunities. The youth organisations and sports organisations are very anxious to be involved in this. Similarly, on our estates we have a number of community and voluntary bodies. I welcome again the inclusiveness of the Minister's proposal and the short period - ten weeks is just about right - to get everybody together and get the plan together. As she says, we will not be hesitant in putting forward proposals for investment in our community or pointing out that the option of drugs is negative in its totality for families. Opportunity, education, good health, a good future for young people and, most of all, the happiness of all the people will be determined by this initiative.

Deputy Helen McEntee: Deputy O'Dowd raised the issue of the timeline. I asked Mr. Geiran whether ten weeks would be enough and he absolutely assured me it would be. The sooner we can get the recommendations, the sooner we can start to act on them. In the meantime, there are still concerns about criminal activity in Drogheda and the surroundings area in counties Louth and Meath.

Regarding the changes over the past year or two, there are currently 152 gardaí assigned to the Drogheda district. This represents an increase of 46% compared with the end of 2015, so there has been a massive increase in the number of gardaí on the ground. There are also now 18 garda staff within the Drogheda district, an increase of 64% on the previous figure. While the focus of this scoping exercise is not that we have more gardaí but that we have a wraparound service and support for the community, it is important to note, given the serious crime and serious incidents that have been happening and the very tragic murder of a young man, that there is an increased Garda presence on the ground, and they are doing everything they can to support the community in the interim.

Garda Investigations

7. **Deputy Martin Kenny** asked the Minister for Justice if she has contacted the Garda Commissioner about the burning out of a car that was being held as evidence by An Garda Síochána as part of the investigation into the abduction of a person (details supplied) to ascertain the way in which this occurred; and if she will make a statement on the matter. [22988/20]

Deputy Martin Kenny: Has the Minister for Justice and Equality contacted the Garda Commissioner about the burning out of a car that was held as evidence by An Garda Síochána as part of an investigation into the abduction of a person in order to ascertain why this occurred? Will she make a statement on the matter? This is a serious incident. For many years, Garda evidence used to go missing. I had hoped, however, that the Garda reforms we have had recently would have ensured that this would not happen any more. This happened in the past 12 months, however, and it is very concerning.

Deputy Helen McEntee: As the Deputy will be aware, section 26 of the Garda Síochána Act 2005 provides that the Commissioner is responsible for the direction and control of An Garda Síochána. The Garda Commissioner is also responsible for the day-to-day management of An Garda Síochána, which includes investigations of alleged crimes and other relevant matters.

As Minister, I have no role in these matters and, therefore, it would be inappropriate for me to comment on an investigation carried out by An Garda Síochána, in particular in respect of a case currently before the courts.

Generally, however, and to try to be of assistance to the Deputy, I understand that where no facilities for the storage of vehicles exist in Garda stations, the Garda tenders for such services. Contracts for the storage of vehicles are awarded locally following a comprehensive tendering process. As part of any such process, applicant companies are required to meet certain security criteria and submit to an evaluation by the local crime prevention officer. In cases in which incidents such as those mentioned by the Deputy occur, they are fully investigated. I am informed that the premises where the vehicle is stored will be subject to a further security review.

Deputy Martin Kenny: For many years we came across situations in which video evidence was “lost” or evidence was destroyed or went missing. Down the years we have had whistle-blowers come forward with various such examples. A lot of reform and work was done, in fairness, to try to move things forward and move that culture to one side to ensure that this stopped happening. I fully appreciate and understand that this is a live case before the courts and that it would not be appropriate to go into the detail of it. The incident has occurred, however, and it reflects very badly on the reform we expected to have brought us well past any such situation happening now. The view among the public is, “Here we go again”, and that it is back to this type of situation again. I do not think that will be good for anyone but I believe this incident needs to be a red flag to ensure that nothing like it happens in the future.

Deputy Helen McEntee: I do not want to give the Deputy a short answer, and it is not that I do not want to answer him, but, given the very serious nature of what we are talking about and the situation in general surrounding this case, it is important I do not say anything that could impact a case currently before the courts. As I have outlined, however, there is a very clear process where there is no storage or capacity available within An Garda Síochána’s facilities. The Garda has to go through a very rigorous process to ensure that anybody who does win a contract for storage goes through a certain set of security criteria. What has happened here should not have happened but this is being investigated. I am informed there is a security review under way based on this incident but I cannot say any more on that.

Deputy Martin Kenny: I wrote to the Garda on this and asked if there were any other incidents where evidence of this nature went missing or vehicles were burned while in Garda pounds or under Garda custody. I did not receive any reply, which was disappointing. The thing that struck me about it was that it is not something that happens. If a file was shredded, it is likely there is at times a process where files are shredded and the wrong file could get mixed up and be accidentally shredded. However, cars or vehicles are not being burned. It is not something that can accidentally happen. It clearly has a sinister nature and that is how most people would see it. It requires the Minister to ask questions as to why this has happened and to make sure that there is an absolute guarantee that any pound or compound storing vehicles that could be used as evidence in cases would be safe and that there would be no possibility of this happening again.

Deputy Helen McEntee: I agree we need to ensure that any kind of evidence being kept or stored is kept safely. That is why there is a security review under way as to what happened here specifically. I do not know of any other such incidents nor do I have figures of incidents like this. I do not know if that information is available but I reassure the Deputy that this is being looked at and a review is under way. We do not want to see this happening at any stage with any kind of evidence and it is important that all the correct procedures and mechanisms are followed by anybody who is given a contract through the Garda or any Government body and that something like this does not happen.

Garda Investigations

8. **Deputy Brendan Smith** asked the Minister for Justice if there has been further progress in achieving a full and comprehensive investigation here and in Northern Ireland into the bombing in Belturbet, County Cavan, in December 1972, which caused the death of two young persons and injuries to many others; and if she will make a statement on the matter. [22831/20]

Deputy Brendan Smith: I wish the Minister, Deputy McEntee, and the Minister of State, Deputy Browne, well in their important work in the Department of Justice over the next number of years.

I have raised with a number of the Minister's predecessors the urgent need for a comprehensive and thorough investigation into the bombing in Belturbet in December 1972, both in Northern Ireland and this State. I am not convinced that an adequate investigation has been carried out in Northern Ireland and I appeal to the Minister to ensure that every possible avenue of investigation is pursued. Will the Minister raise this matter with her counterpart in Northern Ireland, with the Secretary of State for Northern Ireland and with the British Foreign Secretary? We must ensure that the perpetrators of this horrendous crime are brought to justice.

Deputy Helen McEntee: I thank the Deputy for raising this issue. I know it is a long-standing interest of the Deputy and I agree that the perpetrators of this crime should be brought to justice. This was an appalling bomb attack that took place in Belturbet in 1972 which sadly cost two innocent young people their lives and injured many others. I extend my sincere sympathy to those bereaved and injured in that terrible attack. Many people are understandably still suffering the effects of it. I appreciate that the Deputy continues to seek answers, in particular with regard to bringing the perpetrators to justice. It is my sincere wish, and that of everybody involved in this, that this should happen.

I am informed by the Garda authorities that the matter was thoroughly investigated at the time by An Garda Síochána with assistance from the Defence Forces and the close co-operation of the authorities in Northern Ireland. Despite their best efforts, however, it was not possible to secure evidence which would have led to the prosecution of the perpetrators. I appreciate that this continues to remain a source of disappointment and frustration, particularly for family members of those who passed away. With the passage of almost 50 years and no new evidence forthcoming, I regret that we must be realistic about the limited prospects for a successful prosecution in this case. Nevertheless, I have been assured by the Garda authorities that the case remains open and will remain open and that they will continue to investigate any new information they receive. They remain committed to working with the PSNI where that could advance the investigation. I ask anybody with information in relation to this act to bring it to the attention of the Garda and the authorities. I commit to raising this with my counterparts in Northern

Ireland and the UK as the Deputy has asked.

Deputy Brendan Smith: I thank the Minister and appreciate that she will take this up with her counterparts in Northern Ireland. The University of Nottingham recently contacted me with a recent detailed document on loyalist activities in Northern Ireland and, particularly, in Cavan and Monaghan. A very detailed article has been written by Edward Burke, an assistant professor in the University of Nottingham, entitled “Loyalist mobilisation and cross-border violence in rural Ulster, 1972-1974”. One of the sub-headings is “Blowing up Belturbet: Loyalist operations in County Cavan”. It contains the following:

At approximately 9:00 p.m. on the night of December 28, a red ford escort with at least two passengers, a young man and a woman, crossed the bailey bridge at Aghalane and made its way to the nearby town of Belturbet in County Cavan. An hour and a half later, the same car exploded on Main Street, Belturbet, killing two teenagers, Geraldine O’Reilly (15) and Paddy Stanley (16). Twelve more people were injured, some seriously, including Geraldine O’Reilly’s brother.

I will forward this document to the Minister, to her Department and to An Garda Síochána. There is a lot of information in this. I hope the Northern Ireland authorities will co-operate with our authorities, An Garda Síochána and the Minister’s Department to ensure a necessary and proper investigation is carried out.

Deputy Helen McEntee: I have not seen the document the Deputy referred to but I would be happy to receive it, as I am sure the Garda and the PSNI would be. They are committed and where there is new evidence or an ability to reach a conclusion and bring the perpetrators to justice, they want to do that. However, it is difficult without new evidence, given the period of time lapsed. This case will remain open. They are committed to that.

The families in question have recently sought access to files under the Freedom of Information Act and I can inform the Deputy that those records are being prepared for release to the families. I have been advised that the normal response timeframe has passed so it has gone on a bit longer than they would like but, as the Deputy would appreciate, the request necessitated significant work regarding older files and preparations of paper, with any necessary redactions that need to be taken into account. This work is now concluded and they will be released in the coming days. That is something the family have been looking for.

Deputy Brendan Smith: I recently had the privilege of attending, along with the O’Reilly and Stanley families, the publication of the book *Children of the Troubles: The Untold Story of the Children Killed in the Northern Ireland Conflict* by Joe Duffy of RTÉ and Freya McClements of *The Irish Times*. It contains the following in relation to the Belturbet bombing:

Geraldine was one of two children killed in the explosion; the other, Patrick Stanley, had been calling his mother from a phone box when the bomb went off.

Nobody has ever been convicted of the atrocity but according to *Lost Lives*, ‘reliable loyalist sources’ attribute the bombings to the UVF. ... The bomb killed two people, both children; Paddy and 15-year-old Geraldine O’Reilly are now remembered with a memorial in Belturbet.

Over the years, I have been in contact quite often with the O’Reilly and Stanley families. They seek justice. They know, unfortunately, their beloved family members will not be brought

back and they lost them at such a young age. That book, *Children of the Troubles*, should nearly be compulsory reading in our schools because of the devastation and loss of life during that time. Children were killed by Provisional paramilitaries and by loyalist paramilitaries and some by British State forces. When we talk of children being killed, it amplifies both the futility of conflict and the need for families to get justice.

Deputy Helen McEntee: I agree with the Deputy. The use of violence in any instance is reprehensible and should never be a course of action for anybody, particularly when such innocent young lives are lost. I cannot begin to imagine the pain and suffering that has been faced by the families of these two victims over the years, as well as by the many victims of violence on this island in recent years. Violence should never be the answer and we need to do everything possible to support and work with An Garda Síochána and the communities involved to bring these perpetrators to justice but also to bring other perpetrators who have not been caught to justice for many other serious crimes and murders that have taken place over the last number of decades. I thank the Deputy for raising this and assure him we will do what we can. If there is new evidence or information that has come to light, I encourage the Deputy and anybody else to bring it to the attention of An Garda Síochána.

Question No. 9 replied to with Written Answers.

Female Genital Mutilation

10. **Deputy Denis Naughten** asked the Minister for Justice her plans to prioritise practical actions to support the elimination of female genital mutilation in view of the enactment of the Criminal Justice (Female Genital Mutilation) Act 2012; and if she will make a statement on the matter. [22918/20]

Deputy Denis Naughten: Female genital mutilation, FGM, is a barbaric practice perpetrated on young girls. While the practice is concentrated in 30 countries in Africa and the Middle East, it is a universal problem which continues to persist among migrant populations living in Ireland. I would like the Minister to update the House on the practical measures being taken to eliminate this practice.

Deputy Helen McEntee: I thank the Deputy for raising this issue. The Deputy will be glad to know that female genital mutilation has been an offence in Ireland since 2012. It is barbaric and should never happen. The Criminal Justice (Female Genital Mutilation) Act was enacted in 2012. It was sponsored by the then Minister for Health and the Act created the offence of female genital mutilation and related offences. Addressing this serious issue in Ireland falls primarily under the remit of my colleague, the Minister for Health, Deputy Stephen Donnelly, and the Health Service Executive is responsible for addressing the health implications arising from female genital mutilation.

Insofar as concerns my remit, the second national strategy on domestic, sexual and gender-based violence runs from 2016 to 2021 and we are finalising a review to set in train a new strategy for 2022 onwards. The current strategy contains a commitment to raise awareness of female genital mutilation within An Garda Síochána. This is being actioned through the delivery of a training module twice a year to front-line gardaí; and the development and dissemination of an information guide for all members of An Garda Síochána. The latest report of the monitoring committee for the strategy notes that this action is meeting the targets as set out in

the strategy. Action 61 of the migrant integration strategy sets out the State's obligation across Departments to provide intercultural awareness training to staff where it is appropriate to their role. For front-line staff such as medical workers and members of the Garda, this is particularly important as they may be the first point of contact with at-risk women and girls. An Garda Síochána is committed under action 63 of the migrant integration strategy to continue to implement a victim-centred policy and good investigative practices in racial or similar crimes. I note that the first conviction under the legislation was secured in the courts in November of last year and An Garda Síochána took the opportunity to highlight the dangers through the national media and the illegal nature of the practice.

Deputy Denis Naughten: Based on UN estimates, two young girls have female genital mutilation performed on them every minute. In a majority of countries, girls are cut before the age of five. This is happening in Ireland and young girls have been taken out of Ireland to have this practice performed on them. It is estimated that 5,790 girls and women living in Ireland have experienced FGM. Some 2,639 girls may be at risk of being subjected to it. We need to stop this practice in the first instance and there needs to be a cross-departmental approach to it. Will the Minister sit down with the Minister for Health and the Minister with responsibility for equality and integration and lead a cross-departmental approach to this issue?

Deputy Helen McEntee: The Deputy has asked a number of questions there. He is right in saying that first and foremost, we need to stop this practice and a lot of that is done through education of parents and within communities. We will progress this through the second domestic, sexual and gender-based violence strategy, which includes a number of measures. A review is under way and we are looking to develop a third new strategy. Specific to that, an audit will be under way within weeks which will look at all of the various different Departments and agencies, from the Department of Health, the Department of Justice and Equality, and the Department of Children and Youth Affairs. In that audit, we will look at the infrastructure and how we will implement these particular policies in a better way. I commit to ensuring that this particular issue is a part of that overall review, not just for the next strategy but we will also ensure that this will be implemented as soon as possible, whether in new or existing structures.

Deputy Denis Naughten: We need to send out a clear message that Ireland will not tolerate female genital mutilation under any circumstance, either in this jurisdiction or outside it. The most powerful step the Minister can take is to lead on this issue by bringing her other two Cabinet colleagues together and to sit down around a table and committing as three Ministers that they will drive the agenda forward on this. Nothing concentrates the minds of public servants more than the Ministers themselves being committed to an issue. I ask the Minister to do that to ensure a strategy is put in place that works with women, men, girls and boys from the communities where FGM is part of their tradition to raise awareness and empower them to reject this practice. I ask the Minister to do so across all of the agencies that work with those communities, such as An Garda Síochána, the health services and the integration agencies because it is only with a co-ordinated strategy that we can eradicate this practice.

Deputy Helen McEntee: I support the Deputy and I agree that we need to eradicate this process. We have made good strides in recent years with the introduction of legislation as a priority as part of the domestic, sexual and gender-based violence strategy. I mention the fact that we have had one conviction. While the number might seem low, there was a significant problem in Ireland whereby this is often only brought to light when there is a medical need following such a procedure and where there is a willingness or ability for an individual to press charges. It is a difficult and complex area but it is only through education, reaching out and

engaging with communities that we can address this. I am committed to working with my ministerial colleagues, Deputies O’Gorman and Stephen Donnelly, and with any other Department which may potentially need our support with this issue. As I have mentioned, an audit is due to take place and it will hopefully be done by the end of the year. It is looking to identify how we put in place structures that will ensure that where a particular issue in this area has a number of Ministers working on its behalf, it can be driven either by one Minister or by all of them together.

Fire Safety

11. **Deputy Mark Ward** asked the Minister for Justice if her attention has been drawn to the increase in the use of fireworks; the resources in place to deal with such a rise; the powers An Garda Síochána has to combat the rise in view of the detrimental effect the issue is having within communities; and if she will make a statement on the matter. [22809/20]

Deputy Mark Ward: I want to draw the Minister’s attention to the increase in the misuse of fireworks across Dublin. If the Minister stayed in Dublin in recent nights I probably would not have to bring this to her notice because it is quite visible. What resources are in place to deal with such a rise and what powers has An Garda Síochána to combat this rise? It is having a huge and detrimental impact on our communities.

Deputy Helen McEntee: While I have not stayed in Dublin in the last few nights, I have friends who live here and they have highlighted this issue to me a number of weeks ago, which was surprising and concerning given how far out we are from Hallowe’en.

The importation of fireworks is controlled under law in the interests of safety and security. Government policy restricts the availability of all hazardous fireworks to the public. Licences under the Explosives Act 1875 are issued by my Department but only for the importation of fireworks which are to be used in organised displays conducted by professional and competent operators. Having said that, I am all too conscious of the numerous incidents, and sadly some serious accidents arising from the use of illegal fireworks. I understand this is particularly acute this year for some reason. Every year, as we approach Hallowe’en, my Department runs a public safety campaign. This is aimed at ensuring the public is aware of the dangers of illegal fireworks and bonfires.

As for what the Garda can do, examples of the penalties faced include a fine of up to €10,000 and up to five years’ imprisonment if convicted of having fireworks in one’s possession with intent to sell or supply. Igniting fireworks or throwing an ignited firework at a person or property is also liable to severe penalty. These penalties demonstrate the seriousness attached to breaches of the legislation governing the importation and use of fireworks. As well as the awareness-raising work undertaken by my Department in the run up to Hallowe’en, additional efforts are made by An Garda Síochána at this time of year to combat the illegal importation, sale and use of fireworks, which is known as Operation Tombola.

As the Deputy is aware, section 26 of the Garda Síochána Act 2005 provides that the Commissioner is responsible for the direction and control of An Garda Síochána. The Garda Commissioner is also responsible for the day-to-day management of An Garda Síochána, which includes the investigation of alleged crimes, including in relation to the importation and sale of fireworks, and I have no role in these matters. However, as I have just outlined there are clear

penalties for those who breach these rules.

Additional information not given on the floor of the House

The Garda Commissioner has informed me that under Operation Tombola each district will put in place an operational plan to tackle the sale of fireworks including through: combating the importation, sale and distribution of illegal fireworks; intelligence-led operations; visits to local car boot sales; searches and seizures of fireworks; liaising with local authorities and fire services regarding the provision of official, supervised bonfire sites; the policing of these; the identification and removal of stockpiled bonfire material and abandoned vehicles from other locations; promoting awareness of the danger associated with the improper use of fireworks and unsupervised bonfires through the use of the media and social media; school visits and information leaflet distribution by members and the crime prevention officer; high visibility policing of the Hallowe'en night celebrations, that is, beat, bike and mobile patrols, thus preventing damage to property, injury, trauma for the vulnerable and the elderly and general loutish behaviour; and utilising the divisional public order unit on Hallowe'en night.

Operation Tombola also focuses on preventing associated public disorder and anti-social behaviour through the incremental deployment of resources, including Garda public order units to augment local plans as appropriate. As well as Part 6 of the Criminal Justice Act 2006, which gives An Garda Síochána the power to make arrests in relation to the possession of unlicensed fireworks, a number of strong legislative provisions are available to the Garda to combat anti-social behaviour more generally and include the Criminal Damage Act 1991; the Criminal Justice (Public Order) Act 1994; the Criminal Justice (Public Order) Act 2003; and the Intoxicating Liquor Acts 2003 and 2008.

Deputy Mark Ward: It is only necessary to walk through parts of Dublin at night to witness the very visible misuse of fireworks within our communities. A constant barrage of flashing lights and noises is making our communities seem to be in a state of lawlessness. Elderly residents are living in fear and are afraid to leave their homes. Shopkeepers and local businesses are fearful for their staff and customers because fireworks are being aimed at them or into their premises. Bus routes have also been curtailed, which has resulted in people having to walk through areas at night where fireworks could be aimed at them.

As the Minister mentioned, it is not yet even Hallowe'en. This situation has been going on longer this year than in other years, for some reason. The Minister referred to the legislation seeming to be strong enough. If it is not the legislation that is the problem, it would seem to be a problem with Garda resources. I put it to the Minister that Operation Tombola is not working and is not fit for purpose.

Deputy Helen McEntee: An Garda Síochána is already undertaking a great deal of work. As we both said, this situation is happening much sooner than Hallowe'en and Operation Tombola has commenced and been in effect since 4 September. Perhaps that operation needs to start even sooner, but it is very early. This plan has many aspects directed against the sale of fireworks, including, to name just a few, combating the importation, sale and distribution of illegal fireworks. This is done through intelligence-led operations, visits to local car boot sales and searches and seizures of fireworks.

There is also liaison with fire services and local authorities regarding the provision of official and supervised bonfire sites, including the policing of those sites, and the identification and

removal of stockpiled bonfire material and abandoned material from other locations. Awareness of the dangers associated with the improper use of fireworks is also promoted. There is high-visibility policing of the Hallowe'en night celebrations, which means members of the Garda on the beat, on bikes and in mobile patrols preventing damage to property, injury and trauma and utilising the divisional public order unit on Hallowe'en night. Many gardaí are on the ground implementing these measures to try to address many of the concerns expressed.

Deputy Mark Ward: I live in one of these communities and my impression is that the Garda is not visible when this is happening. I will give a few examples. A newborn baby had a lucky escape last weekend, after somebody posted a banger through a letter box in Palmerstown. Customers in parts of Clondalkin and Lucan are afraid to use their local shops. People will also not walk their dogs because of the distress that the noise is causing to their pets. I met with residents in Rathcoole recently, and they reported an increase in this type of behaviour and a decrease in their quality of life. Rathcoole is one of the fastest growing areas in Dublin and yet it still does not have a full-time Garda station.

Public confidence is shattered. Regarding the current legislation, and as I have tabled a parliamentary question on this aspect I do not expect the Minister to answer now, I would like to know how many convictions there had been under that legislation in recent years to see if it is working. The public perception is that the Garda is less concerned about bangers being shown at the public than if the public had bangers and mash in a pub in the last 28 days.

Deputy Helen McEntee: The challenge here concerns situations, such as those we have seen recently, where there have been large gatherings of people into which fireworks have been thrown. When the police arrived and spoke to people, however, there did not seem to be an ability to identify who had thrown the fireworks. This seems to be a major problem where younger people are not willing to say who threw a firework. Some people living in communities, who also know who is responsible, are not willing to say who did it. If it is not possible to know who threw, fired or set off a firework, it is very difficult for An Garda Síochána to pinpoint who is responsible.

For younger people, in particular, this comes back to education about the dangers of fireworks and what damage they can do. It is often too late to learn lessons once there has been an accident and someone has been seriously injured or damage has occurred. Whether it is coming up to Hallowe'en or not, we need all communities, all parents and all schools to stress and stress again the dangers of fireworks that are not set off in a controlled environment with people present who have experience in this area. I think that could help a great deal.

Crime Data

12. **Deputy Bernard J. Durkan** asked the Minister for Justice the levels of reported crime in each category throughout the past 12 months with particular reference to the extent to which the Covid-19 crisis has impacted on the justice system; and if she will make a statement on the matter. [22807/20]

191. **Deputy Bernard J. Durkan** asked the Minister for Justice the number of crimes reported in County Kildare on a monthly basis for the past 12 months by category; and if she will make a statement on the matter. [23248/20]

193. **Deputy Bernard J. Durkan** asked the Minister for Justice the extent to which noticeable increases and decreases in various crime categories have occurred in County Kildare in the past 12 months; and if she will make a statement on the matter. [23250/20]

194. **Deputy Bernard J. Durkan** asked the Minister for Justice the various categories of crimes in respect of which increases or decreases have been noted in the past 12 months throughout the country; and if she will make a statement on the matter. [23251/20]

Deputy Bernard J. Durkan: These questions are to ascertain the level, extent and category of the various crimes reported in the last 12 months and the possible impact of the Covid-19 crisis on these numbers.

Deputy Helen McEntee: I propose to take Questions Nos. 12, 191,193 and 194 together.

I thank the Deputy for raising this issue. As the Deputy is aware, the Central Statistics Office, CSO, as the national statistical agency, is responsible for the compilation and publication of all crime statistics. The CSO produces these statistics using data recorded on An Garda Síochána's PULSE system and makes regular releases, under reservation, concerning various crime statistics, including recorded and detected crime. The CSO also continues to work with An Garda Síochána to address quality issues in the underlying sources used to compile the statistics.

I am advised by the Garda authorities that since the commencement of the current Government restrictions under Covid-19, there has been a general, and welcome, decrease in many categories of crime. However, some categories have, unfortunately, increased such as domestic abuse, controlled drugs, simple possession, weapons and explosives offences and cybercrime or online fraud, as I mentioned earlier.

I can inform the Deputy that the official crime statistics from the CSO for the second quarter of 2020 are due to be released later this month and I look forward to reviewing these statistics when they are available, because they will be of great benefit in assessing the impact of Covid-19 on crime trends. I refer to whether this was for the first six months or, as we have started to reopen our society, our communities and our economy, if we see those trends changing again.

Regarding the rest of the criminal justice system, since the start of the Covid-19 pandemic, the Irish Prison Service and the Courts Service have shown considerable capacity to adapt and respond to ensure that the administration of justice continues in an effective and safe manner. Such measures include video-link appearances from prisons for persons currently in custody; judgments being issued online; avoiding the need for legal practitioners to attend in court; on-line training and e-manuals for staff; and e-meetings. In addition, a wide range of measures has been implemented to protect our prison population, in line with public health advice, including widespread testing for Covid-19 infection and a 14-day quarantine period for persons newly committed to the prison system.

The business of the justice system is of fundamental importance and the commitment, flexibility and innovation demonstrated by all involved towards delivering continuity of access to justice during the current public health emergency is very welcome.

Deputy Bernard J. Durkan: Has it been possible to focus special resources and reaction in those areas that have shown an increase in crime and particularly in those areas which have had a serious threat to the well-being of the community and the lives of members of the community?

Deputy Helen McEntee: The work of An Garda Síochána is directed by the Garda Commissioner and his team, but I can say that where a particular increase has been identified in these types of crimes it has been possible for An Garda Síochána to place particular emphasis and a focus on trying to improve the response to and support for those individuals affected by crime. Regarding the area of domestic abuse, for example, where there was a great increase in crimes in the last six months, An Garda Síochána has made a great effort to engage with those who are seen as being particularly vulnerable. Several campaigns and plans have also been rolled out in recent months, and members of the Garda have increased their engagement and are ensuring that they are being proactive in trying to address these particular concerns, as well as identifying people within units to provide help.

Deputy Bernard J. Durkan: I thank the Minister for her reply. Has there been a commensurate number of prosecutions arising from the increased incidence of crime in each category?

Deputy Helen McEntee: I do not have the figures now, but I can respond to the Deputy later. I have exact figures for Kildare, the Deputy's county, but I appear to have mislaid them in my documents. I will pass those figures on to the Deputy once these Questions are finished.

An Ceann Comhairle: Deputy Durkan will be delighted to receive them. I thank the Minister. We just have enough time for Deputy Naughten to introduce his question.

Deputy Denis Naughten: On my Question No. 13, I welcome the commitment in the programme for Government to bring in a pathway to long-term residency for undocumented people and their dependants within the next 16 months. I would like to know where are we with that process and what progress is being made.

An Ceann Comhairle: I thank Deputy Naughten, but we are out of time, unfortunately.

Question No. 13 replied to with Written Answers.

Written Answers are published on the Oireachtas website.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Pearse Doherty: Tráthnóna inné, d'hearbhaigh Feidhmeannacht na Seirbhíse Sláinte do mo chomhghleacaí as Tiobraid Árann, an Teachta Martin Browne, go raibh stad láithreach curtha le scrúduithe do Covid-19 sna monarchana feola. Sílim go bhfuil sé seo dochreidte, gan chiall agus gearr-radharcach. Tá a fhios againn gurbh iad na clusters sna monarchana seo an chúis ba mhó leis na srianta a cuireadh i bhfeidhm i gcontaetha Chill Dara, Laoise agus Uíbh Fhailí an mhí seo caite.

Yesterday evening, the HSE confirmed to my colleague from Tipperary, an Teachta Martin Browne, that testing for Covid-19 in meat factories had been halted since Tuesday. That is incredibly reckless. It is a short-sighted move that needs to be rectified. Meat factories have been the sites of numerous clusters of infection and were one of the main reasons for the regional lockdowns in counties Kildare, Laois and Offaly a few weeks ago. We all know the difficulties that the lockdown caused for businesses, communities and residents of those counties.

There are currently at least four clusters associated with meat factories around the State. Last week, two workers in meat processing plants in Tipperary tested positive for Covid-19. Mass testing of all workers was set to begin yesterday, but instead workers at the factory received a text message informing them that the HSE had ceased Covid-19 testing with immediate effect. No other private industry has had more of an impact on Covid-19 cases than the meat and food processing sector. That is without doubt. Meat factory workers are particularly vulnerable due to the poor working conditions in those factories. Outbreaks in factories lead to increased transmission and risk in the communities where these factories are located and these workers live. That is an obvious fact.

The Minister for Agriculture, Food and the Marine, Deputy McConalogue, was on the radio yesterday morning, announcing that serial testing in meat plants had commenced and that the first round would be completed by the end of the week. We now know that these tests had already been cancelled. You could not make this up.

It is more baffling that the Minister for Health answered questions in the Dáil yesterday evening and did not mention this issue even though Deputy Carthy raised the issue of the meat plants with him directly. It would be helpful if the Tánaiste could clear this up for us. Who made this decision? Will the Tánaiste tell us whether the Minister for Agriculture, Food and the Marine was aware of this decision when it was made on Tuesday? Was the Minister for Health aware of it? Did he know about it before he spoke in the Dáil yesterday?

We are told, time and again, that there is capacity for 100,000 tests per week. We know that we are not using all of that capacity, so why was this decision taken? That is the real issue at the heart of all of this. The lack of testing is a major problem and getting it right is critical for how we all deal with Covid-19. The Tánaiste knows that the Government has a responsibility to protect the health of communities when it comes to meat plants and these communities and workers deserve better.

Can the Tánaiste answer some simple questions? When was the decision taken? Were the two Ministers aware of the decision? Given that we are not using the full capacity that is available, if capacity for 100,000 tests per week is indeed available, why was a decision taken to not test meat plant workers as scheduled?

The Tánaiste: I thank the Deputy for asking this important question and I will do my best to clarify the situation. The HSE commenced a programme of serial testing in meat and food production plants on 21 August. Since then, 13,000 tests have been carried out and 34 cases were detected. The testing of staff at meat and food processing plants has not been cancelled, it has been rescheduled for next week. That decision was made by the HSE. I do not know at what point the various Ministers were informed.

The HSE carries out surveillance testing every few weeks in places where there is a high risk of an outbreak, such as nursing homes, direct provision centres and meat and food processing plants. The HSE is essentially hunting for the virus and testing people who have no symptoms. The number of positive tests that have come back is very small.

At times of high demand, when many patients with symptoms need to be tested, those people have to be prioritised and that is what has happened in the past couple of days. There has been a surge in demand for tests from people with symptoms who must be prioritised. Of course, if somebody in a nursing home, meat plant or direct provision accommodation centre

has symptoms, they are also prioritised for obvious reasons.

As we are speaking about Covid-19, I want to take the opportunity to welcome the statement made by the Sinn Féin vice president, Michelle O'Neill, expressing her regret for the Bobby Storey funeral and the events around it. In her own words, it undermined public health messaging in the North. It is late but I think it is timely because it comes at a time when we head into the winter, when Covid instance rates are much higher in Northern Ireland than Ireland and when Belfast has a higher incidence than any other city in Ireland. While I can understand people paying their respects in the streets, I cannot understand or accept the political rally in Milltown Cemetery. This was no graveside oration; Mr. Storey was cremated on the other side of town. It was a political rally in the middle of a pandemic, organised by Sinn Féin and other republicans. Deputy Doherty spoke at that rally and I want to know now if he will apologise for that and whether he will be held to account for it. We have seen a dozen resignations as a result of "golfgate" in the past few weeks. Will anyone in Sinn Féin be resigning as a consequence of this? Does the Deputy believe that Sinn Féin republicans are some sort of higher caste who do not have to obey the same laws as anyone else and follow public health guidance?

Deputy Pearse Doherty: I want to go to the core of the issue. Workers in meat plants were supposed to be tested yesterday. A decision was taken at a national level to postpone those tests and they will not be carried out until next week. We know that at least 1,500 Covid cases have been associated with meat plants. We know that the meat plants and the outbreaks within them were the primary cause of the entire lockdown of three counties. Can the Tánaiste confirm that we currently have the capacity to test 100,000 people per week? Of course, people with symptoms should be tested and prioritised but, as the Minister, Deputy Donnelly, outlined in the Dáil yesterday, almost 70,000 tests were completed last week as serial testing continues in nursing homes, direct provision centres and meat processing plants. That means there should be a capacity for nearly 30,000 tests to be carried out in any given week. Why was the decision taken to cancel tests that were supposed to happen in meat factories yesterday and today, given that we know the serious impact that an outbreak in those factories can have on the economy, people and citizens of different counties? Why is a different approach taken to meat plants? There is no transparency. I wonder would the tests in the meat plants be commencing next week if Deputies Martin Browne and Carthy had not broken this story yesterday.

The Tánaiste: I hope the Deputy will respond to the questions I have asked later in the day. We will be happy to make time for that, or for a debate on the matter.

Testing demand nearly trebled on Monday compared to last week, with a requirement for over 13,000 tests in the community and 3,000 hospital tests, a total of 16,000 in one day. Capacity is approximately 15,000 per day. While demand has fallen since Monday, it remains quite high and the HSE is going to go ahead with the planned meat plant testing next week.

I am informed that we have capacity for approximately 100,000 tests per week, or 15,000 tests per day. The highest that has been done so far is 70,000 in a week and it is something that we will discuss at the Covid Cabinet sub-committee this afternoon.

It is important to point out that, since the beginning of the pandemic, Ireland has done a lot of testing. We have perhaps not done as much as countries such as Singapore or Luxembourg, but we have done much more than many other countries per head of population. We have done more than New Zealand, Germany, Canada, Norway, Finland, Sweden and the Netherlands, to name just a few. We are building capacity all the time.

Deputy Alan Kelly: Next week is a big one for the Government. The legislative programme will be announced and the plan for how we are going to live with Covid is also going to be announced and that is very much needed. It is important at this juncture to point out that the public is very much waiting for this and living on every word that is being said by the Government. We need to have a watershed next week whereby all the confusion, messing and internal rivalry within the Government ends. The Government and Ministers must chart a plan, rather than having some Ministers acting as commentators. The Tánaiste is not shy about coming out with statements, to the annoyance of the Taoiseach. The Minister with responsibility for higher education is, as I have said, acting like an emeritus Minister for Health and the Minister for Health seems to be a spectator in a major game that he does not seem to be a part of. Yesterday, the Minister for Agriculture, Food and the Marine did not know testing had stopped in meat factories even though he said it was going on. All of this has to stop. I want next week to be a watershed. The Irish people need it to be a watershed because we are heading into a period that we have never faced before, given the winter. I also want the Tánaiste to cover some things in next week's plan that I think are essential.

I say this in a full and heartfelt way. We need a plan that is elderly proofed. We need to look after our elderly. We are heading into six months of winter, which is a difficult time. We need to ensure that the elderly can live their lives. We also need to make sure that people with disabilities, who are the most vulnerable, are looked after. I am sure the Tánaiste agrees. I ask him genuinely to make sure the plan reflects this. People with disabilities must get their treatments and be able to access their programmes. The elderly, in particular, must be able to get out within health guidelines and have stimulation.

We need to do something about access to sporting activities. We need to allow people to socialise in a limited way, whether that is a game of cards or whatever. The elderly have really felt the restrictions and are facing into a very long winter. We need to prioritise them. That is essential.

As my colleague, Deputy Duncan Smith, has written to NPHET, we need a plan for the tourism industry and travel. We need to work with our European colleagues to embrace a plan for travel that will work and will give some sort of future to the tourism industry, our travel agents and everybody working in the hospitality sector. I would like that plan to be rolled out as part of this.

I know the issues relating to how we roll out testing can cause difficulties. However, the fact that we stopped testing in meat factories means that we need to show next week that we have a comprehensive testing regime that the public can support 100%. If localised lockdowns are being introduced, that has to be based on a rigorous testing regime so that we know what is going on. That also needs to be outlined.

The Tánaiste: I thank the Deputy. The Cabinet sub-committee on Covid will meet this afternoon and it will be an opportunity for us to receive an update from the Minister for Health and our public health team and consider a draft of our new plan to live with Covid over the course of the next six to nine months.

In many ways, the first chapter of dealing with this pandemic was about locking down the country, flattening the curve, saving lives, making sure we had time to build up capacity around testing and tracing to prepare our ICUs for what we thought might be a surge in demand, purchasing ventilators and personal protective equipment, PPE, learning how to shield the vulner-

able and teaching the public how to protect themselves. We were largely successful in that first chapter.

This new plan is all about the second chapter, which we all know by now is a lot more difficult. It is about suppressing the virus as much as possible while at the same time keeping the country open, including our schools, childcare, regular health services, cancer screening and businesses and employment.

In response to the Deputy's question, I agree that the plan, which will be refined over the course of the next week, will need to have regard to the needs of older people. We need to make sure they are protected and shielded, but we also need to make sure that they are not socially isolated. I know how many older people feel they were socially isolated in the period in which they were asked to cocoon during the first stage of this pandemic, although I have no doubt that saved many lives and reduced morbidity.

Similarly, when it comes to people with disabilities, many of whom also have underlying physical health conditions, we need to make sure they are protected but also that they get the services they need. It is one thing to lose these services for a few weeks or months, but we cannot have a situation whereby people with disabilities get no services for the best part of a year.

The issue of travel and tourism is different. Obviously, there needs to be an economic response to support those sectors. As Minister for Enterprise, Trade and Employment, I am working to see what we can do in the budget for those particular sectors that are still closed by mandate or are effectively closed as a consequence of the pandemic. While most businesses have been allowed to reopen, including pubs in the next couple of weeks, some sectors are still effectively or mandatorily closed by Government. That includes the live events and commercial art sector, representatives of which I met yesterday. It also includes travel agents, who were out on the streets yesterday.

We appreciate that the sectors which are effectively still closed will need additional help over and above what is being provided to businesses that are at least allowed to open and have a chance to trade. As Minister for Enterprise, Trade and Employment, that is something I will be working on with the Ministers for Finance and Public Expenditure and Reform, Deputies Paschal Donohoe and Michael McGrath, between now and budget day.

Deputy Alan Kelly: I thank the Tánaiste and sincerely hope he takes on board the points I have made. Another issue I would like him to take on board is the plan next week. From a joined up thinking point of view, it is important that the winter plan to be published by the Department of Health follows quickly and in tandem with the plan being published next week. Non-Covid health issues have been significantly impacted. We need a plan so that members of the public can have confidence that they will engage with our health services and the HSE on all of the different treatments they need.

I want to make two suggestions. I do not think our general practitioners can continue working in the way they are. We will have to move to a process of self-referral for Covid testing, especially in the winter months. The Tánaiste might come back to me on that. The second issue is that we cannot sustain a situation whereby front-line workers, such as occupational therapists, speech and language therapists and physiotherapists, are not doing their jobs and are instead part of the testing regime. GPs cannot sustain what they are doing and we need self-referral. Let us get all of the specialists who are badly needed across the health service out of testing and

tracing and back to their own jobs. We should get people we can source to do that sort of work.

The Tánaiste: I thank the Deputy. The winter plan is being developed by the Minister for Health, Deputy Stephen Donnelly, and the HSE. I agree with the Deputy's comments that this needs to be done within the next few weeks and not when winter is already upon us. That is the plan and intention of the Government. We do not know what winter will be like. We cannot know for sure to what extent Covid will be an issue during the winter and whether the current number of cases will continue to rise or fall back. We do not know what the flu season will look like. Indications from the southern hemisphere, where it starts, and the vaccination programme we are introducing will perhaps mean that the flu season this winter will not be as bad as it was in previous winters. We cannot take that risk. A winter plan will prepare for a serious flu season and serious challenges as a consequence of Covid. On self-referral for Covid testing, it is something we would like to do in an ideal world. I am not sure it is something we can do. We need to consider it seriously, but we need to bear in mind that if we allow people to self-refer for tests, there is a possibility that medical scientists in our laboratories, who are working unbelievably hard, may be overwhelmed. I appreciate the hard work that GPs are doing. They are currently our gatekeepers for testing. They are run off their feet. Moving that problem on to laboratory and medical scientists does not solve the problem. We need to make sure we have the capacity to do it.

An Ceann Comhairle: We move now to the co-leader of the Social Democrats, Deputy Catherine Murphy.

Deputy Catherine Murphy: Getting students back to school has been a major undertaking and a monumental task at individual school level, supported by a subvention of €375 million from the public purse. In addition, this week the leaving certificate results were issued and tomorrow CAO offers will be made. There have been positive Covid cases in some schools and a variation in how they have been handled. All of this has generated queries.

It is easy to miss another issue which has not received sufficient attention. On 18 August, NPHE recommended that school transport for secondary schools students apply the same social distancing as is the case with public transport. That was understood to mean that an additional 1,600 buses would be required. Because of the requirements being changed so close to school reopening, there was a very short lead-in time. That is almost expired. Even more problems will emerge in the next week or two as a consequence of that. Many people are saying that there was a huge effort and financial resources deployed in getting schools opened but there is a sense of disbelief and frustration that getting students to the same schools is still chaotic. There is no end in sight and it is impossible for parents to get information. The school transport system causes real problems every year but Covid has amplified those problems. For those with a medical card and attending the nearest school, transport is provided. For those who do not have a medical card and are attending the nearest school, if there is spare capacity, they will be accommodated for a charge. These are called concessionary passengers. If there is no spare capacity, they have to make their own arrangements.

Many of those who are not attending the nearest school are doing so because there is no capacity in the nearest school and they could not get a place. Because of this they are not necessarily entitled to a place on the school bus because they are not attending the nearest school. Schools and parents sometimes organise private sector buses between them. The new social distancing requirement also applies to them and there is no subsidy. To be viable for private operators, they are effectively saying that parents will have to pay for two school places to achieve

the social distancing unless there is a subsidy. That is not attainable for some households with multiple children.

In addition, Dublin Bus normally introduces a school timetable when schools return but it has been unable to do so because the National Transport Authority, NTA, has not funded such a timetable.

Is additional funding being made available to deliver the school transport, including the NTA and the Dublin Bus timetable? What is the timeline for getting transport fully in place? Will a subsidy be considered and provided for those who have to hire additional private buses because of the new social distancing rules?

The Tánaiste: I thank the Deputy for raising this important issue. I know that a large number of Deputies, particularly in rural constituencies, are getting many representations about school transport, as we always do at this time of year, but they are of a very different nature this year because of the pandemic. It is absolutely the case that there have been positive Covid-19 cases among schoolchildren since schools reopened. Back in August I said that that would be the case. Some people criticised me at the time and said it was bad messaging or some such stuff. It was not messaging; I was just telling the truth and telling it as it is and making sure that parents would be prepared for the new normal in our schools, in that there will be cases among schoolchildren. So far as there is very little evidence of school transmission, which is really encouraging. We have not had significant school outbreaks. That may yet happen but it has not happened yet. The vast majority of children and teachers are much more likely to get Covid-19 in their own or somebody else's home than they are in schools, which are very controlled and sanitary environments now, largely because of the very good work that has been done by teachers and school management to make them ready for living with Covid-19.

We are committed to ensuring that schools remain open safely and that school transport will play a vital role in that. We have invested more than €11 million in ensuring that school transport is safe. In line with new public health advice issued on 18 August, we are working to achieve 50% capacity on school buses for post-primary students. However, it was not possible to roll that out on 1,600 routes within two weeks. That change in advice came very late in the day.

We are taking a practical approach backed up with real resources to assist schools. In conjunction with the 50% capacity target, we are also working to accommodate concessionary students. As to the additional funding that the Deputy has asked about, €11.3 million has been provided for additional hygiene, sanitisation and PPE requirements on the school transport scheme. This allowance is in addition to that provided during the period of school closures between March and June, during which the Department continued to pay contractors 50% of their normal rate, even though school transport was not operating. That cost €26 million. The allowance for additional hygiene, sanitisation and PPE requirements will be kept under review and further engagement will take place with Bus Éireann, as necessary, when services resume.

Deputy Catherine Murphy: The Tánaiste did not refer to Dublin Bus and I would appreciate if he would do that. While this is a dominant issue in rural areas, it is not exclusively so. The school route timetables have not been reintroduced and we are being told that they are not being funded by the NTA.

He referred to PPE and sanitising the buses. Is there additional funding for this because

these buses are going to be half full? More buses will be needed. Is there money for those additional buses? How will the concessionary passengers be accommodated? I see hundreds of parents in their cars just in my own locality every morning who are doing this because they have no school transport. They cannot go to work and their lives are being disrupted by this as well. This is an investment that requires to be made. The schools are open and the children and students need to get there. When will all of those buses be in place? Surely, there is a plan of action or an indicative timeline. Can the Tánaiste give some information to people, even in a general way, because there is a dearth of information at the moment?

The Tánaiste: I will have to come back to the Deputy in respect of her specific question on Dublin Bus as I do not have that information to hand.

Among the actions that the Department of Education and Skills is taking is the provision of grant support to parents to help them with the cost of private transport arrangements where they want it. So far just under 1,000 parents or guardians have contacted the Department in regard to seeking a refund.

Under the terms of the school transport scheme, children are eligible for school transport if they satisfy the distance criteria and are attending their nearest school as determined by the Department and Bus Éireann having regard to ethos and language. The Government is working with Bus Éireann to ensure that capacity is rolled out at the 50% space and that space is opened up for concessionary students. No tickets will issue to post-primary late applicant payees until such time as routes are rolled out at 50% for those who applied and paid by the deadline of 4 August. As routes are rolled out, if capacity is available, tickets will be allocated at that point to those applicants.

An Ceann Comhairle: I thank the Tánaiste and call Deputy Richard Boyd Barrett from Solidarity-People Before Profit.

Deputy Richard Boyd Barrett: For more than 150 days now, more than 1,000 workers have waged a truly inspiring and heroic struggle for a just settlement following the ruthless and cynical behaviour of Debenhams, their employer, to execute a tactical liquidation in order to leave those workers, who had given decades of service, absolutely high and dry without a penny. Due to their struggle, they have forced the issue of the injustice done to them to the top of the political agenda and although we have had sympathy from the Government, it continues to hide behind various excuses and is doing absolutely nothing to resolve the dispute to ensure that those workers get justice.

This morning, the Taoiseach said on the radio that we cannot invent a scheme in order to give justice to these workers. I strongly challenge that. First, the Debenhams' workers are in the plight they are in because of the failure, specifically, of the Government that the Tánaiste led to address the issues that arose from Clerys and other types of tactical liquidations over many years. The Tánaiste, specifically, and his Department, have a moral responsibility to get a just settlement for these workers. The claim that this cannot be done is belied by the fact that although KPMG's offer of €1 million for 1,000 workers who had decades of service was absolutely insulting, that it could make any offer at all proves it can be done. If KPMG can offer €1 million, it can offer the €13 million that is needed to give the two plus two solution. It is unconscionable that Revenue, which is owed €20 million, would not waive its position as creditor when it has benefited from the taxes paid by those workers for 24 years. Those taxes would more than cover the cost of putting the Debenhams workers rather than Revenue at the

top of the creditors list. The Government could then go after Debenhams, a company KPMG says has no assets but it turns out has €95 million in the bank, a €2.2 billion turnover and, in the past week or two, revealed that it had €50 million more than it thought it had. It was hiding behind subsidiary companies to load debt on Debenhams in order to avoid paying workers a just settlement. The Tánaiste's excuses will not fly. The workers in Cork ended their occupation this morning and have decided to put the focus now on the responsibility of the Government to give them the just settlement they deserve and which it is responsible for, given that it failed to legislate on the Duffy Cahill report during the Tánaiste's years in government.

The Tánaiste: I thank the Deputy for raising this question. I believe the former staff of Debenhams have been treated very badly by their employer in the way these redundancies came about, and they have our sympathies. Like many people, I have been impressed by, and respect, the campaign they have waged for nearly 160 days. They have shown extraordinary resilience and real strength but it is also the reason I do not like to see them being promised outcomes that we all know, even though some of us will only admit it privately, are not possible to achieve. That is not right and it is not honest.

In terms of the Government's role, we will make sure the legal rights of the workers are fully vindicated. That means making sure they get at least two weeks per year of service of statutory redundancy pay. If the liquidator in the company cannot pay that, we will pay for it out of the Social Insurance Fund and pursue it later. We will make sure they get whatever welfare payments and income support they are entitled to. We will make sure they are given opportunities to retrain, access adult education and help to find a new job.

Anything additional to that - anything extra - could only be secured in negotiations between the union and the liquidator. I believe those negotiations should resume, as the Taoiseach said yesterday. I believe Mandate, the trade union, is doing its very best. I heard the head of the union on a radio programme yesterday saying it will do its best to secure the best deal possible. The best deal possible may not be the best deal and may not be a good deal but it will try to secure the best deal possible. I believe Mandate has acted in good faith in that regard, working on behalf of its members. We continue to engage with Mandate and ICTU to assist in any way we can do so. The Government has had a good engagement with congress in recent days, examining possible changes to employment rights law that might give collective agreements more legal weight in situations like this but that will require a degree of work. The Minister of State, Deputy English, corresponded with Ms Patricia King, the head of ICTU, on this only the other day.

On two other points, it is disingenuous to make a connection between the Clerys dispute and this dispute. Clerys was a very different situation. There was a substantial property asset on O'Connell Street and because of that, the owners of that asset were able to make a settlement offer to the workers. The Debenhams case is very different. The only asset appears to be some stock in the stores, probably valued at approximately €10 million, and the value of that is reducing every day this dispute goes on. There are also many other claims on that asset. There are claims from workers who have unpaid pay and annual leave, claims from other businesses, for example, that have unpaid debts, claims from local authorities for unpaid rates and claims from the Irish public for unpaid taxes. The Revenue Commissioners have no authority in law to waive somebody's tax obligations. This is public money. It belongs to all the people of Ireland. There are times when the Revenue Commissioners are not able to collect certain taxes but they cannot simply waive tax when they are able to collect it. It would be very unfair on the Irish people for the Revenue Commissioners to suddenly be given the power, which they do

10 September 2020

not currently have and could not be given retrospectively anyway, to say that some companies and some people do not have to pay their taxes. If taxes can be recovered, the Revenue Commissioners have an obligation on behalf of the Irish people to make sure those taxes are paid.

Deputy Richard Boyd Barrett: To be clear, the points I put to the Tánaiste were not points that I dreamed up. They came directly from the Debenhams workers I was talking to this morning. They are their arguments and their proposals, and I agree with them.

I am glad the Tánaiste mentioned Clerys because what the Debenhams workers pointed out this morning is that precisely the same situation operated in Clerys. The Clerys owners tried to do the same trick that Debenhams is doing. There were two companies in Clerys. There was a trading company that had no assets - none - and then there was a property company that owned the building. The workers still got a deal. It was not a very good deal but it was better than the deal they would have got had they not fought. That is exactly what is going on here. The claim that Debenhams Ireland does not have assets is not true. There are assets worth millions in the stores. Moreover, artificial debt was loaded on the company and there is a retail business still operating, all run by a parent company that has massive assets. This is a manipulation of the situation and, therefore, it is right and correct, particularly because of the Government's failure over years to address the issues arising out of Clerys and other disputes, to say that they will secure the moneys necessary to pay the two plus two.

I ask the Tánaiste not to forget the point I made about all the taxes the Debenhams workers paid to Revenue, which give them a moral claim on the Revenue's position on the creditors list.

The Tánaiste: I have engaged with the workers too. I have met them. I have engaged with Mandate, the trade union, and ICTU. I have spoken directly to Debenhams UK and I have sought advice from the Attorney General. The facts that I have are different from the facts the Deputy has. The basic fundamental facts differ as follows. Clerys was a very different situation. There was a very substantial and valuable asset, a building on O'Connell Street, and its owners were able to make an *ex gratia* settlement to the workers. In this case, there are not assets of that value. There is stock that may be worth €10 million, which is diminishing in value every day, and there are many other claims on that asset. Those who have claims will not receive all of the money that they perhaps would like to receive.

I have spoken to Debenhams UK and I have it in writing from the company that it is a UK based company and a separate legal entity in a different country. It says it has put €30 million into Debenhams Ireland over the past couple of years. This company was in trouble for a long time. It was in examinership three or four years ago. Debenhams UK says it has put €30 million into it. It will not get that money back. It has laid off staff in the UK and its UK staff have only got statutory redundancy. While the Deputy says the company has €90 million in the bank, that cannot possibly be the full story because Debenhams UK is in examinership or administration. A company that has massive assets in the bank does not end up in examinership or administration. If it has massive amounts of money in the bank, it must also have massive liabilities and debts.

An Ceann Comhairle: That concludes Leaders' Questions for today. I understand the Government Chief Whip has a business proposal to put to the House.

Gnó na Dála - Business of Dáil

Minister of State at the Department of the Taoiseach (Deputy Jack Chambers): It is proposed, notwithstanding anything in Standing Orders, that No. *b5*, motion re the report of the Committee of Standing Orders and Dáil Reform dated 8 September 2020, be taken now, without debate, and that any division demanded on the motion be taken immediately.

An Ceann Comhairle: Is that agreed? Agreed.

Report of the Committee of Standing Orders and Dáil Reform: Motion

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

That, in relation to the report of the Committee of Standing Orders and Dáil Reform dated 8th September, 2020—

(*a*) notwithstanding anything in Standing Orders—

(i) the schedule for the Dáil sitting week as contained in Appendix 1 to the report be adopted with effect until Thursday 22nd October, 2020, when the schedule shall be reviewed by the Committee,

(ii) business on Thursday evenings pursuant to Standing Order 159(2) shall, until 22nd October, 2020, conclude within 75 minutes, and

(iii) written Parliamentary Questions pursuant to Standing Order 50(2) shall continue to be answered on Wednesdays; and

(*b*) the amendments to the Standing Orders of Dáil Éireann relative to Public Business as contained in Appendix 2 to the report be made.

An Ceann Comhairle: Is the motion agreed?

Deputy Pádraig Mac Lochlainn: It is not agreed. As the Ceann Comhairle will be aware, we have had some dialogue today and my party has made a submission which would permit all Dáil business to return to Leinster House. The optics of us being in this cavernous space while we are asking hundreds of thousands of workers and students to wear masks and keep 1 m apart if they cannot achieve 2 m are not good. It is unsustainable. Increasingly, there is agreement around the House on this. This motion is premature in that we need to find a solution to this in the week ahead and get our business back to Leinster House as soon as possible on the same basis that we are asking hundreds of thousands of workers and students to conduct their business. On that basis, we are opposing this motion and pressing it to a vote.

Deputy Mattie McGrath: I too am opposed to the motion, on the same basis. I have asked consistently that we go back to Leinster House. We have the medical advice from NPHEt but we have to accept the WHO's advice that a distance of 1 m is acceptable. Many of our hospitals operate with that distance. Our schools have been back for ten days. Many are using small pre-fabs, and many have 13 classrooms. Many businesspeople, the meat factories and many other

types of organisations are operating according to the advice to which I refer.

I thank the Ceann Comhairle and the members of the Business Committee for their detailed consideration of the proposals this morning. We in the Rural Independent Group made a submission and it was discussed. I thank the secretariat, which is now going to engage and consider a roadmap. It is all a matter of roadmaps, obviously, but I refer to a roadmap showing the way back to Leinster House so Dáil Éireann can work there safely with a 1 m distance, which we have proposed and which I hope can happen. The motion is premature and we will vote against it.

An Ceann Comhairle: Does the Chief Whip want to respond?

Deputy Jack Chambers: We all agree that we want to have as many sittings as possible in Leinster House. As a Government, we are going to work with the Opposition and everybody else to try to see that through. I understand there was no agreement on, or conclusion to, the discussion today on the proposals some parties have made. If we can reach an agreement next week, that should supersede what we are voting on today. This motion is simply to give effect to the facilitation of next week's business as an interim solution. As the Taoiseach stated earlier this week, the Government is as anxious as anybody to ensure the Dáil sits in Leinster House. We will work with all Members of the Opposition to see that through. I understand we are not in a position, as a committee, to agree to that yet.

An Ceann Comhairle: As I understand it, at the meeting of the Business Committee this morning, detailed consideration was given to three specific proposals from the Rural Independent Group, Sinn Féin and the Deputy Chief Whip, Deputy Brendan Griffin. All the matters were carefully considered. Implementing the proposals requires work to be done by the Houses of the Oireachtas Service. It is a matter of seeing how the implementation of the proposals could be reconciled with the full operation of An Seanad and how the more than 20 Oireachtas committees that Members have required to be established could also function. Arising from the debate this morning, the service has begun the work of examining how we might function but it is obviously a matter for the House to decide now on what to do with this motion. As the Chief Whip said, however, it is simply to facilitate the conduct of business next week. Am I correct on that?

1 o'clock

Deputy Jack Chambers: Correct.

Question put:

<i>The Dáil divided: Tá, 87; Níl, 56; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Browne, James.</i>	<i>Browne, Martin.</i>	
<i>Bruton, Richard.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Colm.</i>	<i>Cairns, Holly.</i>	
<i>Burke, Peter.</i>	<i>Carthy, Matt.</i>	
<i>Butler, Mary.</i>	<i>Clarke, Sorca.</i>	
<i>Byrne, Thomas.</i>	<i>Collins, Joan.</i>	
<i>Cahill, Jackie.</i>	<i>Collins, Michael.</i>	

Dáil Éireann

<i>Calleary, Dara.</i>	<i>Connolly, Catherine.</i>	
<i>Canney, Seán.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cannon, Ciarán.</i>	<i>Cronin, Réada.</i>	
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Cullinane, David.</i>	
<i>Chambers, Jack.</i>	<i>Daly, Pa.</i>	
<i>Collins, Niall.</i>	<i>Doherty, Pearse.</i>	
<i>Costello, Patrick.</i>	<i>Donnelly, Paul.</i>	
<i>Coveney, Simon.</i>	<i>Ellis, Dessie.</i>	
<i>Cowen, Barry.</i>	<i>Farrell, Mairéad.</i>	
<i>Creed, Michael.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Crowe, Cathal.</i>	<i>Funchion, Kathleen.</i>	
<i>Devlin, Cormac.</i>	<i>Gould, Thomas.</i>	
<i>Dillon, Alan.</i>	<i>Guirke, Johnny.</i>	
<i>Donnelly, Stephen.</i>	<i>Harkin, Marian.</i>	
<i>Duffy, Francis Noel.</i>	<i>Healy-Rae, Danny.</i>	
<i>Durkan, Bernard J.</i>	<i>Healy-Rae, Michael.</i>	
<i>English, Damien.</i>	<i>Kenny, Gino.</i>	
<i>Farrell, Alan.</i>	<i>Kenny, Martin.</i>	
<i>Feighan, Frankie.</i>	<i>Kerrane, Claire.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Flaherty, Joe.</i>	<i>McDonald, Mary Lou.</i>	
<i>Flanagan, Charles.</i>	<i>McGrath, Mattie.</i>	
<i>Fleming, Sean.</i>	<i>McNamara, Michael.</i>	
<i>Grealish, Noel.</i>	<i>Mitchell, Denise.</i>	
<i>Griffin, Brendan.</i>	<i>Munster, Imelda.</i>	
<i>Harris, Simon.</i>	<i>Murphy, Catherine.</i>	
<i>Haughey, Seán.</i>	<i>Murphy, Paul.</i>	
<i>Heydon, Martin.</i>	<i>Mythen, Johnny.</i>	
<i>Higgins, Emer.</i>	<i>Nolan, Carol.</i>	
<i>Hourigan, Neasa.</i>	<i>O'Callaghan, Cian.</i>	
<i>Howlin, Brendan.</i>	<i>O'Donoghue, Richard.</i>	
<i>Humphreys, Heather.</i>	<i>O'Reilly, Louise.</i>	
<i>Kehoe, Paul.</i>	<i>O'Rourke, Darren.</i>	
<i>Kelly, Alan.</i>	<i>Ó Broin, Eoin.</i>	
<i>Lahart, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Lawless, James.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Leddin, Brian.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Lowry, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>Madigan, Josepha.</i>	<i>Quinlivan, Maurice.</i>	
<i>Martin, Catherine.</i>	<i>Ryan, Patricia.</i>	
<i>Martin, Micheál.</i>	<i>Shortall, Róisín.</i>	
<i>Matthews, Steven.</i>	<i>Smith, Bríd.</i>	

10 September 2020

<i>McAuliffe, Paul.</i>	<i>Stanley, Brian.</i>	
<i>McConalogue, Charlie.</i>	<i>Tóibín, Peadar.</i>	
<i>McGrath, Michael.</i>	<i>Ward, Mark.</i>	
<i>McHugh, Joe.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Verona.</i>		
<i>Nash, Ged.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Ríordáin, Aodhán.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Denise Mitchell and Pádraig Mac Lochlainn.

Question declared carried.

Cancer Screening: Motion (Resumed) [Private Members]

The following motion was moved by Deputy David Cullinane on Tuesday, 8 September 2020:

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.

Debate resumed on amendment No. 1:

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 com-

mon 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 col-

10 September 2020

laborative 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.

- (Minister for Health)

An Ceann Comhairle: I must now deal with a postponed division relating to the motion regarding cancer screening. On Tuesday, 8 September 2020, on the question that the amendment to the motion be agreed to, a division was claimed and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 79; Níl, 64; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	

Dáil Éireann

<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Cairns, Holly.</i>	
<i>Butler, Mary.</i>	<i>Canney, Seán.</i>	
<i>Byrne, Thomas.</i>	<i>Carthy, Matt.</i>	
<i>Cahill, Jackie.</i>	<i>Clarke, Sorca.</i>	
<i>Calleary, Dara.</i>	<i>Collins, Joan.</i>	
<i>Cannon, Ciarán.</i>	<i>Collins, Michael.</i>	
<i>Carey, Joe.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Cronin, Réada.</i>	
<i>Chambers, Jack.</i>	<i>Crowe, Seán.</i>	
<i>Collins, Niall.</i>	<i>Cullinane, David.</i>	
<i>Costello, Patrick.</i>	<i>Daly, Pa.</i>	
<i>Coveney, Simon.</i>	<i>Doherty, Pearse.</i>	
<i>Cowen, Barry.</i>	<i>Donnelly, Paul.</i>	
<i>Creed, Michael.</i>	<i>Ellis, Dessie.</i>	
<i>Crowe, Cathal.</i>	<i>Farrell, Mairéad.</i>	
<i>Devlin, Cormac.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Dillon, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gould, Thomas.</i>	
<i>Duffy, Francis Noel.</i>	<i>Guirke, Johnny.</i>	
<i>Durkan, Bernard J.</i>	<i>Harkin, Marian.</i>	
<i>English, Damien.</i>	<i>Healy-Rae, Danny.</i>	
<i>Farrell, Alan.</i>	<i>Healy-Rae, Michael.</i>	
<i>Feighan, Frankie.</i>	<i>Howlin, Brendan.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kelly, Alan.</i>	
<i>Flaherty, Joe.</i>	<i>Kenny, Gino.</i>	
<i>Flanagan, Charles.</i>	<i>Kenny, Martin.</i>	
<i>Fleming, Sean.</i>	<i>Kerrane, Claire.</i>	
<i>Grealish, Noel.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Griffin, Brendan.</i>	<i>McDonald, Mary Lou.</i>	
<i>Harris, Simon.</i>	<i>McGrath, Mattie.</i>	
<i>Haughey, Seán.</i>	<i>McNamara, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Mitchell, Denise.</i>	
<i>Higgins, Emer.</i>	<i>Munster, Imelda.</i>	
<i>Hourigan, Neasa.</i>	<i>Murphy, Catherine.</i>	
<i>Humphreys, Heather.</i>	<i>Murphy, Paul.</i>	
<i>Kehoe, Paul.</i>	<i>Mythen, Johnny.</i>	
<i>Lahart, John.</i>	<i>Nash, Ged.</i>	
<i>Lawless, James.</i>	<i>Naughten, Denis.</i>	
<i>Leddin, Brian.</i>	<i>Nolan, Carol.</i>	
<i>Lowry, Michael.</i>	<i>O'Callaghan, Cian.</i>	
<i>Madigan, Josepha.</i>	<i>O'Donoghue, Richard.</i>	

10 September 2020

<i>Martin, Catherine.</i>	<i>O'Reilly, Louise.</i>	
<i>Martin, Micheál.</i>	<i>O'Rourke, Darren.</i>	
<i>Matthews, Steven.</i>	<i>Ó Broin, Eoin.</i>	
<i>McAuliffe, Paul.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>McConalogue, Charlie.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>McGrath, Michael.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>McHugh, Joe.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Moynihan, Aindrias.</i>	<i>Pringle, Thomas.</i>	
<i>Moynihan, Michael.</i>	<i>Quinlivan, Maurice.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Ryan, Patricia.</i>	
<i>Murphy, Eoghan.</i>	<i>Sherlock, Sean.</i>	
<i>Murphy, Verona.</i>	<i>Shortall, Róisín.</i>	
<i>Naughton, Hildegarde.</i>	<i>Smith, Bríd.</i>	
<i>Noonan, Malcolm.</i>	<i>Smith, Duncan.</i>	
<i>O'Brien, Darragh.</i>	<i>Stanley, Brian.</i>	
<i>O'Callaghan, Jim.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Connor, James.</i>	<i>Ward, Mark.</i>	
<i>O'Dea, Willie.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Donnell, Kieran.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Denise Mitchell and Pádraig Mac Lochlainn.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 78; Níl, 65; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	

Dáil Éireann

<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Cairns, Holly.</i>	
<i>Butler, Mary.</i>	<i>Canney, Seán.</i>	
<i>Byrne, Thomas.</i>	<i>Carthy, Matt.</i>	
<i>Cahill, Jackie.</i>	<i>Clarke, Sorca.</i>	
<i>Calleary, Dara.</i>	<i>Collins, Joan.</i>	
<i>Cannon, Ciarán.</i>	<i>Collins, Michael.</i>	
<i>Carey, Joe.</i>	<i>Connolly, Catherine.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>	
<i>Collins, Niall.</i>	<i>Crowe, Seán.</i>	
<i>Costello, Patrick.</i>	<i>Cullinane, David.</i>	
<i>Cowen, Barry.</i>	<i>Daly, Pa.</i>	
<i>Creed, Michael.</i>	<i>Doherty, Pearse.</i>	
<i>Crowe, Cathal.</i>	<i>Donnelly, Paul.</i>	
<i>Devlin, Cormac.</i>	<i>Ellis, Dessie.</i>	
<i>Dillon, Alan.</i>	<i>Farrell, Mairéad.</i>	
<i>Donnelly, Stephen.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Duffy, Francis Noel.</i>	<i>Funchion, Kathleen.</i>	
<i>Durkan, Bernard J.</i>	<i>Gould, Thomas.</i>	
<i>English, Damien.</i>	<i>Guirke, Johnny.</i>	
<i>Farrell, Alan.</i>	<i>Harkin, Marian.</i>	
<i>Feighan, Frankie.</i>	<i>Healy-Rae, Danny.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Healy-Rae, Michael.</i>	
<i>Flaherty, Joe.</i>	<i>Howlin, Brendan.</i>	
<i>Flanagan, Charles.</i>	<i>Kelly, Alan.</i>	
<i>Fleming, Sean.</i>	<i>Kenny, Gino.</i>	
<i>Grealish, Noel.</i>	<i>Kenny, Martin.</i>	
<i>Griffin, Brendan.</i>	<i>Kerrane, Claire.</i>	
<i>Harris, Simon.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Haughey, Seán.</i>	<i>McDonald, Mary Lou.</i>	
<i>Heydon, Martin.</i>	<i>McGrath, Mattie.</i>	
<i>Higgins, Emer.</i>	<i>McNamara, Michael.</i>	
<i>Hourigan, Neasa.</i>	<i>Mitchell, Denise.</i>	
<i>Humphreys, Heather.</i>	<i>Munster, Imelda.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Catherine.</i>	
<i>Lahart, John.</i>	<i>Murphy, Paul.</i>	
<i>Lawless, James.</i>	<i>Mythen, Johnny.</i>	
<i>Leddin, Brian.</i>	<i>Nash, Ged.</i>	
<i>Lowry, Michael.</i>	<i>Naughten, Denis.</i>	

10 September 2020

<i>Madigan, Josepha.</i>	<i>Nolan, Carol.</i>	
<i>Martin, Catherine.</i>	<i>O'Callaghan, Cian.</i>	
<i>Martin, Micheál.</i>	<i>O'Donoghue, Richard.</i>	
<i>Matthews, Steven.</i>	<i>O'Reilly, Louise.</i>	
<i>McAuliffe, Paul.</i>	<i>O'Rourke, Darren.</i>	
<i>McConalogue, Charlie.</i>	<i>Ó Broin, Eoin.</i>	
<i>McGrath, Michael.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>McHugh, Joe.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Moynihan, Aindrias.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Moynihan, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Pringle, Thomas.</i>	
<i>Murphy, Eoghan.</i>	<i>Quinlivan, Maurice.</i>	
<i>Murphy, Verona.</i>	<i>Ryan, Patricia.</i>	
<i>Naughton, Hildegarde.</i>	<i>Sherlock, Sean.</i>	
<i>Noonan, Malcolm.</i>	<i>Shortall, Róisín.</i>	
<i>O'Brien, Darragh.</i>	<i>Smith, Bríd.</i>	
<i>O'Callaghan, Jim.</i>	<i>Smith, Duncan.</i>	
<i>O'Connor, James.</i>	<i>Stanley, Brian.</i>	
<i>O'Dea, Willie.</i>	<i>Tóibín, Peadar.</i>	
<i>O'Donnell, Kieran.</i>	<i>Ward, Mark.</i>	
<i>O'Dowd, Fergus.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Denise Mitchell and Pádraig Mac Lochlainn.

Question declared carried.

Health Act 1947 (Section 31A - Temporary Restrictions) (Covid-19) (No. 4) Regulations 2020: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Mattie McGrath on Wednesday, 9 September 2020:

“That Dáil Éireann resolves that the Health Act 1947 (Section 31A – Temporary Restrictions) (Covid-19) (No. 4) Regulations 2020 (S.I. No. 326 of 2020) be and are hereby annulled.”

An Ceann Comhairle: I must now deal with a postponed division relating to a motion regarding SI 326 of 2020, taken on Wednesday, 9 September 2020. On the question, “That the motion be agreed to”, a division was claimed and, in accordance with Standing Order 80(2), that division must be taken now.

Question put:

<i>The Dáil divided: Tá, 15; Níl, 125; Staon, 2.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Boyd Barrett, Richard.</i>	<i>Andrews, Chris.</i>	<i>Collins, Joan.</i>
<i>Canney, Seán.</i>	<i>Berry, Cathal.</i>	<i>Pringle, Thomas.</i>
<i>Collins, Michael.</i>	<i>Brady, John.</i>	
<i>Connolly, Catherine.</i>	<i>Brophy, Colm.</i>	
<i>Healy-Rae, Danny.</i>	<i>Browne, James.</i>	
<i>Healy-Rae, Michael.</i>	<i>Browne, Martin.</i>	
<i>Kenny, Gino.</i>	<i>Bruton, Richard.</i>	
<i>McGrath, Mattie.</i>	<i>Buckley, Pat.</i>	
<i>McNamara, Michael.</i>	<i>Burke, Colm.</i>	
<i>Murphy, Paul.</i>	<i>Burke, Peter.</i>	
<i>Naughten, Denis.</i>	<i>Butler, Mary.</i>	
<i>Nolan, Carol.</i>	<i>Byrne, Thomas.</i>	
<i>O'Donoghue, Richard.</i>	<i>Cahill, Jackie.</i>	
<i>Smith, Bríd.</i>	<i>Cairns, Holly.</i>	
<i>Tóibín, Peadar.</i>	<i>Calleary, Dara.</i>	
	<i>Cannon, Ciarán.</i>	
	<i>Carey, Joe.</i>	
	<i>Carroll MacNeill, Jennifer.</i>	
	<i>Carthy, Matt.</i>	
	<i>Chambers, Jack.</i>	
	<i>Clarke, Sorca.</i>	
	<i>Collins, Niall.</i>	
	<i>Conway-Walsh, Rose.</i>	
	<i>Costello, Patrick.</i>	
	<i>Cowen, Barry.</i>	
	<i>Creed, Michael.</i>	
	<i>Cronin, Réada.</i>	

10 September 2020

	<i>Crowe, Cathal.</i>	
	<i>Crowe, Seán.</i>	
	<i>Cullinane, David.</i>	
	<i>Daly, Pa.</i>	
	<i>Devlin, Cormac.</i>	
	<i>Dillon, Alan.</i>	
	<i>Doherty, Pearse.</i>	
	<i>Donnelly, Paul.</i>	
	<i>Donnelly, Stephen.</i>	
	<i>Duffy, Francis Noel.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>Ellis, Dessie.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Farrell, Mairéad.</i>	
	<i>Feighan, Frankie.</i>	
	<i>Fitzmaurice, Michael.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flaherty, Joe.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Fleming, Sean.</i>	
	<i>Funchion, Kathleen.</i>	
	<i>Gould, Thomas.</i>	
	<i>Griffin, Brendan.</i>	
	<i>Guirke, Johnny.</i>	
	<i>Harkin, Marian.</i>	
	<i>Harris, Simon.</i>	
	<i>Haughey, Seán.</i>	
	<i>Heydon, Martin.</i>	
	<i>Higgins, Emer.</i>	
	<i>Hourigan, Neasa.</i>	
	<i>Howlin, Brendan.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelly, Alan.</i>	
	<i>Kenny, Martin.</i>	
	<i>Kerrane, Claire.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Leddin, Brian.</i>	
	<i>Lowry, Michael.</i>	
	<i>Mac Lochlainn, Pádraig.</i>	
	<i>Madigan, Josepha.</i>	

Dáil Éireann

	<i>Martin, Catherine.</i>	
	<i>Martin, Micheál.</i>	
	<i>Matthews, Steven.</i>	
	<i>McAuliffe, Paul.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McDonald, Mary Lou.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murnane O'Connor, Jennifer.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Verona.</i>	
	<i>Mythen, Johnny.</i>	
	<i>Nash, Ged.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Cian.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Darren.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Murchú, Ruairí.</i>	
	<i>Ó Riordáin, Aodhán.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Ryan, Eamon.</i>	

10 September 2020

	<i>Ryan, Patricia.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Duncan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanley, Brian.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	
	<i>Ward, Mark.</i>	
	<i>Wynne, Violet-Anne.</i>	

Tellers: Tá, Deputies Mattie McGrath and Michael Collins; Níl, Deputies Brendan Griffin and Jack Chambers.

Question declared lost.

Sitting suspended at 1.30 p.m. and resumed at 2.10 p.m.

Services for People with Disabilities: Statements

Minister of State at the Department of Health (Deputy Anne Rabbitte): I am honoured to serve as Minister of State with responsibility for disabilities in the new Government. I take very seriously the responsibility and opportunity to have a positive effect on the lives of thousands of people with a disability in Ireland. I want to be the Minister of State who reimagines how disability is viewed in this country. Disabilities are not merely a health issue. People with disabilities have a human right to be considered in every Government portfolio, be it health, transport, employment, sports or arts. We must ensure that every person in society, regardless of his or her abilities, is valued and supported in being able to fully participate in society.

In this debate, I want to focus on the most pressing issues that have been raised with me in recent weeks. I will listen with great interest to the views of the speakers who will follow me this afternoon. Disability services are provided in various settings by many organisations throughout the country. In the age of Covid-19, these organisations have had to adapt to do their best to ensure that services can continue to be provided. I acknowledge the commitment of these services over the past six months in supporting and protecting those with a disability who attend the health and social care services. However, I am sure Deputies will agree that realistically the provision of these services will not be as it was prior to Covid for some time to come. It would be misleading of me to say otherwise.

The New Directions policy has guided change in the day service sector. It has helped to reconfigure day services, in a person-centred way, prioritising community inclusion, active citizenship, and high-quality service provision. However, as the House will be aware, in line with

the public health advice, disability day service locations closed in March. The Department of Health, the HSE and day service providers know how vital disability supports are for people and their families and want services to resume as soon as possible. Service providers have been working tirelessly since the recent publication of guidance to get day services ready to reopen safely and in line with public health guidance. A total of 90% of day services have now reopened but they are not open at the same level as prior to Covid. The remaining services will re-open this month.

Children's disability services were also stepped down last March. Through the pandemic, services continued to be provided on the phone and online, with face-to-face services for some children and families with high prioritised needs. At the end of July, the HSE issued two guidance documents to support the resumption of children's disability services to its nine community healthcare organisations, CHOs, throughout the country. The guidance maps the pathway of access to services and supports, commencing with phone and online supports, and where these do not meet the needs of the child or the family, moving to face-to-face interventions and what is required to do so safely. I hope this will lead to a gradual return to services as they were provided before but, as I mentioned, it will not be possible in the near future.

An issue I specifically want to address is the long waiting periods for some families to get an assessment of need, AON, appointment for their child. This is a priority for me. I am very aware of the challenges to families with the waiting times for a child requiring an assessment of need. The HSE has made a number of changes to the process, such as a revised standard operating procedure and the appointment of network disability managers, but there are still many waiting too long. I do not want to allow waiting lists to continue to grow so I am pleased to announce to the House today that I have secured an additional, once-off €7.8 million in 2020, which will allow the HSE to address the current backlog of overdue assessments of need around the country. This work will begin immediately in accordance with individual plans set out in each CHO area.

Processes are under way to plan for the reintroduction of respite services for people with a disability and their families. The HSE has developed a roadmap for the reopening of disability respite services, which is now available on the HSE website. The HSE supports approximately 8,300 residential places for people with a disability under the national service plan. The plan also provides for an additional 64 emergency residential placements for allocation during the year.

Residential placements are provided on the basis of need and within available resources. The HSE engages with families to ensure those with the greatest need are prioritised. This has been a particular focus of the HSE during the Covid-19 emergency. In recognition of the additional pressures faced by many families, the HSE is providing 144 intensive in-home respite support packages for emergency cases this year. We will continue with the decongregation programme and move more people with disabilities from congregated settings to homes in the community with the necessary supports. Although there have been particular challenges this year, I am pleased that so far 52 people have moved to their new homes in the community.

The voluntary sector in the provision of health and personal social services to people with a disability is remarkable and we owe it a debt of gratitude. Its flexibility and collaborative approach in working with the HSE to respond to the challenges presented by the Covid-19 pandemic is brilliant. I am aware that a number of section 38 and section 39 disability organisations have reported they are facing financial challenges and have incurred deficits during

this time. In recognition of this, the Minister, Deputy Donnelly, and I have asked the HSE to relieve section 38 and section 39 disability service providers of the obligation to achieve the 1% efficiency target set out in the 2020 national service plan. I look forward to listening to the contributions of my colleagues this afternoon and I thank them for their time.

Deputy Pauline Tully: Has a budget to be provided to facilitate the reopening of day services for people with disabilities? I was led to believe a budget for this was meant to come to Cabinet last week. If so, how much has been allocated to ensure the full reopening of services? If not, will it come before Cabinet and what does the Minister of State envisage the amount will be?

A stand-alone budget needs to be provided for this very important service and it should not be part of the winter action programme, for example. A budget was provided to schools for their preparations to reopen in their entirety. This was done to accommodate the vast majority of students on a full-time basis. I welcome the reopening of the services. Most of them have reopened or will do so in the next two weeks. I commend all the staff involved on getting the centres open at very short notice and in exceptionally difficult and unprecedented circumstances.

This partial reopening is welcome, but is it not the case that people with disabilities are being discriminated against? Day services for adults are reopening at much reduced capacity. I have been told that people who were receiving, say, five full days' services before Covid are now getting one, two or, if they are lucky, three days' services. Should they not be treated on a par with beneficiaries of equivalent services that have reopened? Day services are education and training services for adults and school leavers with disabilities. Schools have now fully reopened, so why not the day services? To end the discrimination and allow day services to open safely, financial assistance is required from the Government. A ring-fenced budget for this is very important but there are additional staff costs because I think the HSE is advising staff in these centres to divide into teams, which sometimes means additional staff to cover staff absences, rental of extra space if needed for cleaning requirements, additional work premises or extra PPE or sanitiser costs. All these costs are very difficult to cover, especially for section 39 organisations. They do not know whether they will receive funding from Government towards the costs. They cannot be expected to fundraise, especially in the current climate. Many section 39 organisations feel quite aggrieved at being told to prepare to reopen in August because they were not given any support from the HSE to do so. They would have welcomed even just advice but they felt that was not forthcoming in a lot of instances.

Having talked to many service providers, I understand that transport to the day services seems to be the biggest challenge at the moment. Capacity on buses has been drastically reduced as a result of the 2 m rule and the fact that many of the service users cannot wear masks. Therefore, some service providers are not providing any transport at all. Others are offering transport perhaps on only one day. Users are therefore dependent on family to get them to the services, and if their family is not available they cannot use the services. One service in my constituency owns a 15-seater bus but it can only take three people due to the 2 m rule. It is doing several runs, but that is incurring extra costs because of the extra diesel, the extra wear and tear of the bus, increased wages for the bus driver and additional PPE. Will the Government cover these costs? If they are not covered, I feel the service providers will be unable to reopen fully and discrimination against people with disabilities will continue.

People living in residential settings and those availing of the limited respite currently being allocated are being denied access to day services, according to HSE guidelines. That is

totally unfair and must be addressed. The practice of using nursing homes to house people with physical and intellectual disabilities is still being applied and it is totally unsuitable. It is soul-destroying for the person forced to live there, not to mention very costly. Therapies such as occupational therapy, speech and language therapy and physiotherapy have not resumed either. They are vital services for people with disabilities. For example, stroke survivors need rehabilitation and community care. That will enable them to improve disability outcomes and their quality of life, reduce the likelihood of long-term residential care, even reduce their time in hospital and reduce their risk of another stroke. Without this care, however, the opposite is true. I am told that therapists are not available to carry out this work because they have been redeployed to contact tracing and testing. That has to stop because these are vital services and we need those highly-qualified staff back doing the job they should be doing.

I think we all know how devastating the past six months have been on service users. These people were suddenly cut off from friends and their daily routines. It has been extremely harsh on many, who have said they feel lonely, frustrated or bored, sometimes not even comprehending why these services have been stopped. It has had a very serious impact on people's mental health. Services are not fully reopened, with many service providers indicating that they cannot see that happening for the foreseeable future. This needs to be addressed urgently to ensure the full resumption of services for people with disabilities.

An issue with some school transport to special schools has also been brought to my attention. I do not know if that is within the Minister of State's remit or whether I should talk to the Minister of State, Deputy Madigan, about it. School buses going to special schools are treated as school buses to primary schools so they are operating at full capacity even though there are teenagers using those services. This is causing a lot of concern to some parents.

Deputy David Cullinane: I thank the Minister of State for taking these statements on this issue. I have consulted with many disability groups over recent weeks and months, as I am sure the Minister of State has. We all know that Covid has had a dramatic impact on people's lives. Children and adults with a disability have had a harrowing time, and their parents and those who care for, support and love them have been doing their best. I wish to deal with the high-level issues first, before I get to issues that existed even before Covid, and then the Covid measures which need to be put in place.

It is time we implemented in full, for once and for all, the United Nations Convention on the Rights of Persons with Disabilities. I have been hearing that for years and years from Ministers and politicians in government and in opposition, yet disability groups are still waiting for action on the matter. We need to get the rights-based approach to it right first, and what flows from that is the implementation of all the rights of people with disabilities, which has not been the case up to now. We need the safe, full resumption of adult day services for all people with disabilities insofar as possible. Yesterday, in the Dáil Chamber, in response to questions on health, the Minister of State mentioned that services are available and recommencing. We need to ratchet them up as much as we can to ensure that as many adults as possible get access to them. There are also a whole range of issues for children, and they need to be addressed as well, in schools and outside of schools.

My colleague mentioned the issue of deficits in section 39 organisations. We proposed that these deficits be wiped out by the State in alternative budgets in the past. That is what needs to happen to ensure they are on a sustainable footing to be able to provide the services people need. A lot of these organisations and the services they provide should be brought into public

ownership, and the people who work in these areas should be State employees because there are contractual employment issues, workers' rights issues and pay issues. They are described as analogous workers, doing the same job as people who work in the public health system but not getting the same pay because they work for section 39 organisations. There is a lot to be done there.

In addition, there needs to be a real focus on speech and language therapists, occupational therapists, physiotherapists and psychologists. There is a lack of child psychologists, for example, which plays a real part in children not getting diagnoses as quickly as they should. In my part of the country we do not have enough specialists on the diagnostic assessment teams to ensure that children get early diagnoses. With those early diagnoses come all the supports that should be there, that is, the therapies. If we are not getting that right, if we are not getting the diagnoses right and if there is then no pathway to all the services that should be there, that is a real issue.

We should make sure that all people with disabilities have proper income supports when they go to work. We need to look at issues such as medical cards and all the other issues we in Sinn Féin have pointed out before. We need to clear the home support service waiting list through additional investment in services.

I will finish on this because it is very important. We want to see a statutory right to a personal assistance service. The proposed cut to the service was one of the mean-spirited, very regressive measures the previous Government took, and the Minister of State was very vocal against that when she was in opposition. We all know how important it is for adults with a disability to have a personal assistant. Reduced hours mean they do not get the supports or the help they need. We have to make sure that that is where the investments are. It all comes back to rights. If we establish the rights in principle and there is an obligation on the State then to deliver those rights, we will be able to give people with disabilities the merit they deserve and their place in society, which should be the same as ours. They should be treated as equals.

Deputy Sean Sherlock: I welcome the Minister of State to the Chamber and welcome her statement. The announced €7.8 million is a significant sum of money but it will only become so if the follow-on services are provided. Last night in the House I raised the issue of professionals such as occupational therapists being deployed to contact tracing and even testing. That makes a mockery of any attempts to ensure people who rely on the follow-on services arising from an assessment of need would get those services. I ask the Minister of State to take a closer look at that to see if those people can be brought back into a core front-line service. If the announcement of the €7.8 million is to mean anything for families, it should mean a follow-on service becoming available arising from the retrenchment of those who are otherwise engaged at present.

I accept the Minister of State's point in respect of 90% of day services having reopened but forgive me if I am sceptical. Some 90% of the services might be open but that does not mean people have access to 90% of services. People are back on a part-time basis and it is still very piecemeal. Until we get to the stage where people have full access to the services they have always enjoyed and have a right to, there is a long way to go. To be fair to the Minister of State, she would acknowledge that.

I also want to speak for organisations like St. Joseph's Foundation in my neck of the woods. One of its facilities, Cooleens House, has been reassigned as an isolation centre. It was a respite

house and respite is key to all of these services for families. I am sure the Minister of State will respond to this case. If Cooleens House could revert to a respite house and some other such facility could be found to provide for isolation, that would send a clear and positive signal to those who use the services of St. Joseph's Foundation.

Will the Minister of State examine the relationship between the HSE and the section 38 and 39 organisations? The voluntary organisations are very much price takers. They have to accept the budget they are given. They must then raise funds, which has been challenging in the current climate. I ask that the HSE, on ministerial direction, give some ground and financial leeway to these organisations in the current climate in order that they can get on with restoring the services to which people are entitled. In my experience, the relationship with the HSE has sometimes been lopsided. The HSE has come in waving a stick or beating the drum against some section 38 and 39 bodies. In the current climate, these organisations need a little financial headroom and leeway to allow them to deliver services. There needs to be a rebalancing of their relationship with the HSE. I am sure the Minister of State is conscious that without these organisations, these services would not be provided.

I make the case for respite services. I ask the Minister of State to reply, if not today then at some stage, regarding the metrics for every single person or group who should have access but do not have access at full capacity at this time. If that issue were addressed and a full service restored, it would bring relief to many families.

Deputy Jennifer Murnane O'Connor: While I welcome the return of many day services for those living with disabilities, many families have contacted me because they are finding it difficult to access transport to services. I know of many families who had places on buses but now do not. They have no other means of accessing services because some of them do not have a car. They are informing me that they are even paying for taxis. In some cases, disability services are only available for a few hours per day. The schools have reopened and we need to try to get disability services fully reopened to ensure everyone has full access to services every day.

We did not have a fit-for-purpose school transport service for schools that cater for children with special needs before Covid. Are the concerns in that area being considered? Are there plans to improve that transport service for those living in rural Ireland? My understanding is that these families should not have to pay for the service but there is confusion in that regard. The mobility allowance, a payment made to people with severe disability to allow them to hire public transport such as taxis and enable them to get around for social and health reasons, was never replaced when it was removed by the previous Dáil. A memorandum setting out proposals for a new transport support payment scheme was brought to Cabinet but later withdrawn in favour of revised proposals. Does the Minister of State know if such a scheme is being put in place to support families with children in special education schools who do not have transport? What do families need to do to access this kind of support? Many families cannot afford transport, which I know has been a big issue for the Minister of State.

The Minister of State spoke about section 38 and 39 organisations with which she is working through the HSE. Has a special budget been provided for additional buses, hiring more escorts and cleaning and sanitising buses?

I welcome the Minister of State's announcement today of €7.8 million for the assessment of needs for children aged up to 18. In my area of Carlow and Kilkenny, CHO 5, €693,000 has been allocated for the assessment of needs. I welcome that allocation because this has been an

10 September 2020

issue on which I have spoken to the Minister of State. We need to provide as much funding as possible for assessments of needs to ensure no child has to wait to access disability and other services. We need to make sure children have access to services as soon as possible. As the Minister of State knows, the quicker assessments are done, the better one can work on whatever area of need is involved.

We have a fabulous respite house in Tullow. What is the roadmap for overnight respite stays? Perhaps the Minister of State will come back to me with a written answer. When Tullow respite house opened, we were told it would provide overnight respite care as well as day respite care. I ask the Minister of State to come back to me on that.

I thank the Minister of State for visiting Carlow recently. The Holy Angels day care centre is a love of mine. I have constantly been looking for a new school building for this centre which is accommodated in prefabs. As I have said on several occasions, it is unacceptable in 2020 to have children with special needs in prefabs. I was delighted the Minister of State met members of the committee. She will soon meet CHO 5 to look at plans for a school for the Holy Angels centre. We cannot have children in prefabs. I will also seek an update on those plans, on which I look forward to meeting the Minister of State.

Covid-19 has been challenging for people, particularly families with disabilities. When there were protests outside the convention centre, the Minister of State and the Taoiseach - in fairness to them - went out and met the families and parents. That line of communication that everybody has is very important. The only way forward is to have all of us working together.

Deputy Pádraig O'Sullivan: I recognise the announcement this morning of the €7.8 million for assessment of needs. It is an issue on which the Minister of State, Deputy Rabbitte, has worked. Even when she was in opposition, she spoke of her desire to achieve that and clear the backlog in this area. The announcement is fundamentally important and needs to be acknowledged.

The previous speaker acknowledged the Minister of State's visit to Carlow. I would like to acknowledge her recent visit to the Cope Foundation and St. Gabriel's special school in Cork. She also met consultants in Cork University Hospital to discuss rehabilitation. I thank her for making that trip. I hope that, following on from those meetings, some of the issues that were highlighted on those days might be resolved.

I want to touch on school transport as well, which is the hot topic in mainstream and special schools alike. I have corresponded with the Department in recent weeks, specifically on Cope Foundation in Cork. As the Minister of State knows, when she met the CEO, Sean Abbott recently, he highlighted that there are four schools in or around that campus. Unfortunately, given the demand for the bus services in Cope Foundation, those students from different schools are sharing the same buses. The response we have received heretofore from the principal officer in the transport section has been unacceptable. The correspondence we have indicates that this situation will not change and I urge the Minister of State to revisit that. It is not acceptable that people with underlying health conditions and some of the difficulties they have would be expected to share the same bus and possibly risk cross-contamination if there was to be a break-out. School transport is a fundamental issue and it needs to be tackled.

I refer to school transport in the wider respect. We all meet different people every day of the week coming into our clinics and offices talking about making round trips of maybe two or

three hours per day. That needs to be overhauled. Somebody needs to sit down with those students, take a map and streamline those bus services in a better way. Money is wasted on buses in a facility such as Cope Foundation, where it could provide the care it gives students in the community setting. I do not mean to say the money is wasted on buses as it is a fundamental part of getting the children to school but it would be far better spent in the community so that the service is situated among the people who need it most. I take the Minister of State's point that the vast majority of services have resumed but I want to echo what previous speakers have said. We are dealing with difficult situations with people who might have acute epilepsy and suffer from seizures, for example. With respect, one day per week of a service is welcome to get services back but when people with severe needs are being dealt with and the pressure their parents are under is considered, we need to up the ante and get services back to normal as much as we can.

I mention St. Gabriel's special school, which I already mentioned at the outset of my contribution. The Minister of State, Deputy Rabbitte, was kind enough to visit there with me a number of weeks ago. With the conditions in that school and the circumstances it is in, with the most vulnerable students we have in that area, that school needs to be looked at, either by the Department of Health or the Department of Education and Skills. A case needs to be made for St. Gabriel's special school to get a permanent home. The previous speaker, Deputy Murnane O'Connor, mentioned that the day of prefabs is gone, especially for our most vulnerable children because they do not have rooms with adequate facilities or adequate toilet facilities. That is an acute setting that needs to be looked at.

Deputy Rose Conway-Walsh: Most of my contribution is confined to transport. Coming from a rural area, the Minister of State will really understand the situation with transport. I refer to the issue of multiple schools using the same transport. Parents are asking me why there are different rules for other people who are being transported than for really vulnerable children. I am really in fear of one of those children catching Covid-19 and it having a detrimental impact on those children. This needs to be sorted out as a matter of urgency. I know all of the other issues are urgent but that is particularly urgent.

Transport and access to adult day services are terrible because it is almost worse to have those services and yet to tell people they cannot go to them because there is no transport. Transport has fallen between the stools and nobody will take responsibility for it. There are solutions to it because great work is being done by Rural Link and so on. If the HSE would instruct or enable Rural Link to be able to do this job, that would solve the issue. It needs to be fixed because people in Achill trying to access services in Castlebar are being told they cannot access them. These parents and the people themselves have been fighting for years just to get into the limited services that were already available.

I want to ask the Minister of State about the mechanical physical restraints that are being used, particularly for autistic adults. I am talking about the buckle body system. I understand that everybody, including the workers, needs to feel safe but I am concerned about situations where there are workers in the front of a vehicle holding a key and the service user is in the back of that vehicle. What would happen in the event of an accident if someone did not have time to get back with the key?

A lot of the workers in these services are being asked to use their own vehicles. Two issues arise there. First, they have to pay the insurance and they will not get the job unless they have the vehicles. Second, with Covid-19, when workers are using their own cars, surely it cannot

then be safe for vulnerable adults to use the same vehicles during the day and then go home and have those vehicles be used for the family or whoever? Surely there must be real dangers there of the spread of Covid-19? Will the Minister of State look at the issue of workers using their own vehicles?

There are many other issues I wanted to raise but I am running out of time. Could the Minister of State confirm the situation with respite care for me? What are the rules across the board with that? Nobody stood out and clapped for carers and there are carers who desperately need some day-time and night-time respite care to be able to continue caring for the people they love and have cared for over years. They just need a break so I ask the Minister of State to sort that out.

Deputy Holly Cairns: I congratulate the Minister of State on her appointment. I welcome change in this Department because it is much needed. I wish the Minister of State lots of luck and I look forward to working with her.

The past few months have been an incredibly challenging time for people with disabilities and their families. I refer to the issues of underlying health concerns, the absence of day and respite services for months, a lack of therapeutic services and uncertainty about work and the list goes on. The pandemic has highlighted the absence of a rights-based approach for people with disabilities, as well as years of underinvestment in social and healthcare services by the State. As too often happens in Ireland, family members and voluntary organisations have had to step in to fill the gap of the State's shortcomings. If there is a single lesson we can take from the pandemic, it is the absolute need for a massive investment in disability support services, which are grounded with a rights-based approach.

At a meeting of the Special Committee on Covid-19 Response in July, representatives for the sector all highlighted how many people with disabilities are living in congregated settings. There are an estimated 2,900 people with disabilities residing in larger settings of ten or more people, along with the 1,500 in nursing homes, although they are under-65. All of these people have been put at unnecessary risk by the State during the pandemic due to their living arrangements. Article 19 of the Convention on the Rights of Persons with Disabilities guarantees the right to live independently in the community rather than in institutions. Successive Governments have failed to ensure the provision of this right. Mark O'Connor from Inclusion Ireland explained that:

A policy has been in place for almost nine years to move people out. It saddens me to say that up to this point people in these settings have had as good a chance of passing away in a congregated setting as being moved out to a community setting.

That is an incredible statement indicating the continuing and disgraceful treatment of people with disabilities. Dr. Frank Conaty, of the Irish Human Rights and Equality Commission, pointed out that throughout the restrictions residential settings had been essentially shut down, which confined these people without access to family. This has knock-on effects as many of these people need access to family as their immediate advocates. HIQA's recent annual overview report on disability services in 2019 highlights both progress and issues in this sector. It identifies inappropriate living conditions, residents being at risk of abuse due to non-compliance with the basic requirements of safeguarding and practices which restrict basic dignity of people, such as not being able to access their own money independently.

It seems that people in need of independent supported living, in west Cork, for example, can only get it if they are elderly and even then it is after considerable struggle. This leaves so many people without options. One of my constituents is stuck in a psychiatric ward, despite being ready to leave, because there is nowhere else for him to go.

The pandemic did not create these conditions, it has merely highlighted their impact. I ask the Minister to prioritise the right of people with disabilities to live independently in the community. This will involve the provision of suitable housing and supports to enable people to live with dignity and appropriate autonomy, including considerable investment in homes, healthcare services and advocacy.

A horrific, ongoing case in Cork has shown what happens when this basic infrastructure is not put in place. A father and son have been living in an abandoned bus since being evicted from their one-bedroom apartment. Patrick Walsh is caring for his son Adrian, who suffered a brain injury after an accident. Patrick has to stay with Adrian, as he suffers from blackouts. They have fitted the bus out with a small kitchen and beds. They have been living there for four years without running water, electricity or a toilet. State authorities and the council are aware of the situation. I know this session is about statements, but I would love if the Minister of State could intervene immediately in that situation because it is so heartbreaking. It is in the newspapers today and on the radio.

We have all received countless messages about the full reopening of day services. Research carried out by Inclusion Ireland shows that the closure and restriction of these services is having a significant impact on mental well-being. Some 38% of respondents indicated an increase in behaviours of concern, while 36% indicated an increase in loneliness and 33% indicated that their family members had increased anxiety. It is essential that the Government's living with Covid-19 strategy includes clear provisions for the full reopening and provision of day services.

Those in the sector have also raised concerns about the redeployment of senior HSE therapists to work as Covid-19 testers and contact tracers. Therapists, such as speech and language therapists, physiotherapists and occupational therapists, do vital work in supporting people who are born with or acquire disabilities. Additional staff should be recruited, instead of reallocating essential staff.

Finally, I urge the Minister of State and the Government to ratify immediately the optional protocol in the United Nations Convention on the Rights of Persons with Disabilities, which will provide formal mechanisms for persons with disabilities and advocacy groups to challenge the Government and the State and to hold those in authority to account to ensure the rights of people with disabilities are respected.

Deputy Michael Moynihan: I am glad to have the opportunity to speak in this debate. I welcome the Minister of State and I thank her for making one of her first visits to service users in St. Joseph's Foundation in Charleville, where she met the parents of service users at the end of July. I think she got a broad sense of the challenges facing not only St. Joseph's in Charleville or the parents in Duhallow in north Cork, but those throughout the country.

There are several issues in the disability sector. In recent years, the sector has been underfunded and forgotten. In many of the contributions I made in the last Dáil, I sought further respite for families, as well as assessments of need etc. I therefore welcome this morning's announcement. Regarding assessments of need, we must look at the highly trained and highly

10 September 2020

qualified people in the HSE and try to ensure that they are not taken away from their fundamental duties in assessing children for special attention and special services. We should try to ensure that the assessment of need takes place at an appropriate time and as quickly as possible because many people are struggling with extreme difficulty, especially in the early stages, and they are meeting a brick wall.

This brings me to the HSE. St. Joseph's Foundation in Charleville - the Minister of State met the people there - spans Limerick, Cork and Kerry. Of the two sections in the HSE, it is easy to deal with one, but extremely difficult to deal with the other. It is one HSE and one national health service. When funding for the provision of services to people with intellectual disabilities is being sought, people go to one section, where it is possible to meet with people. Alas, people find the other section covering Cork and Kerry extremely challenging to deal with. I am at a loss as to why that is the case. It is fundamental to how we treat section 38 and section 39 organisations. We have a briefing in the morning with the HSE South and I will be raising this issue then, because service providers such as St. Joseph's Foundation, in my area, the COPE Foundation and others are doing extraordinary work.

I do not know how this was arrived at, but there was a 1% efficiency cut in the last budget. Where were these efficiencies supposed to come from? There is penny-pinching here and penny-pinching there and we must ask if the HSE is trying to get rid of these voluntary organisations and bring all these services under the umbrella of the HSE. Is that what the HSE is at? I would urge caution on that approach, because the voluntary organisations have the voluntary ethos, commitment and brand that allows them to fundraise within their communities. It is important that the integrity and identity of those organisations is maintained and that we support these section 38 and section 39 organisations.

Regarding the section 39 organisations and the matter of insurance, they are providing services to users and their families on behalf of the State. I believe funding regarding those organisations should be included within the remit of the State Claims Agency. Some of the service providers have had astronomical insurance costs of more than €500,000 and that is draining their resources.

Where are we today regarding disability services? Families and service users are faced with major challenges and have not been able to avail of services since the first week in March. The service users have found it very difficult and challenging and many have regressed. Many people in this situation thrive on routine and have built up friendships and a community within their organisations. It has not been possible, however, for the organisations to facilitate the service users recently. The services are now, slowly, reopening for one and two days a week.

The Minister of State spoke passionately about this subject when she was in north Cork. There should be a commitment that these services will be open five days a week. Transport must be provided in the way that it used to be. We must dig deep to give the service users and their families the best possible experience. Transport is hugely important and is also a huge cost, but it has not been provided for the last six months because the buses have been off the road. Transport must now be provided for the morning and the evening. Regarding day services, many people are looking at community day services having portals or hubs in different locations, but the services provided must be the same in each location. These services have been built up and the users have been happy and content with them. We must ensure that the same services are provided now.

We must take onboard several of the points made today, such as the issue of the UN Convention and all of that but I think we should look to the service users and their families in our State who are under enormous pressure and have been under enormous pressure in the past couple of months. It is 10 September and we must ask how we can get the best services for those people in the days and weeks to come.

I am referring to the provision of a full five-day service and a full transport service. A full service might not be possible now, because we know the challenges faced in every sector because of the Covid-19 pandemic and related restrictions. I compliment the Minister for Education and Skills, Deputy Foley, and the Department of Education and Skills for getting the schools reopened. The same urgency must be applied in the approach to the provision of services to people with intellectual disabilities and their families. They have suffered enormously in the last six or seven months.

It is high time that we agreed to grasp this issue. There is no doubt that this is a challenge and there is huge pressure involved. It will be a challenge to get all the service providers up and running across the country. There had been a funding shortfall heretofore.

I am glad that the Minister of State reversed the 1% efficiency cut. I do not know how anybody in his or her right mind could have classified that as an efficiency cut because these organisations were on the breadline. I compliment the Minister of State on the meeting she had just after we met in Charleville at which she got that 1% cut reversed because it was a lifeline to the service providers, families and service users. We must get full day care services back and provide transport for these families because many people are getting elderly and rely on public transport to access services.

An Leas-Cheann Comhairle: Go raibh maith agat, a Theachta.

Deputy Michael Moynihan: I apologise for going over my allotted time but these are important issues.

Deputy Darren O'Rourke: I will continue in the same vein as the previous speaker by talking about the need to ensure that transport services are in place. St. Ultan's special school, Navan is served by 22 buses, all of which are close to capacity. Twenty of those buses carry students for St. Ultan's and other schools, including St. Mary's special school. Issues in that regard need to be acknowledged and addressed as quickly as possible. I have been contacted by numerous parents who have expressed their genuine and earnestly-felt concerns. They need to be addressed.

The issues extend beyond that and I encourage the Minister for State to contact her colleagues in education and transport about the constraints on school bus transport. Some 120,000 children were carried on buses last year, including 14,000 with special educational needs. Only 97,000 places have been allocated this year, a reduction of 23,000. That urgently needs to be tackled. My colleague, Deputy Ó Laoghaire, in conjunction with me and Deputy Conway-Walsh, has submitted proposals for tackling that matter. This obviously has clear implications for mainstream and special schools, children with additional needs, and people who are attending day services. It also has implications for the broader transport network. I have been contacted by numerous people who are delighted that services are beginning to open up again albeit that service is patchy and partial. The lack of transport services is a significant block. We must get back to a place where those services are provided again.

10 September 2020

I thank the Minister of State for meeting a constituent of mine, Ms Laura Campion, who has been advocating on behalf of her sister. As we have heard from other Deputies, the Minister of State is engaging with groups but we want to see as much progress as possible. Particular concerns have been raised about contingency planning. Nobody wants to go back to lockdown so let us see the plan to continue opening up services and providing respite for families. It is not an issue about day services but it has been reported that some people have experienced significant difficulty in accessing respite, which is of concern.

I will speak about access to day services for adults who live in a residential setting with my remaining few seconds. Service providers have stated that service users in residential respite will be unable to attend their day service under current HSE advice. That is of considerable concern and the gap needs to be addressed.

I wish the Minister of State well in her efforts to tackle those problems.

Deputy Richard Boyd Barrett: Even before Covid-19, supports and services for people with disabilities and their carers were woefully inadequate. The equality that is demanded by the UN Convention on the Rights of Persons with Disabilities, UNCPRD, is not, and was not, a reality. For the past six months, the hardships that all of society has gone through have disproportionately fallen on those with disabilities and carers, with the closure of day care services, schools and so on. While it is welcome that day care services are now reopening, as they will not reopen at full capacity a hell of a lot more must be done.

There needs to be serious acknowledgment of carers. Carers are paid €230 for doing a huge State service. That amount is derisory in the first place, but the double burden that carers have carried over the most recent period means that a bonus payment should be made to those carers to acknowledge the extra service they have given in recent times. I make that direct call to the Minister for State and the Government. We rightly praise our healthcare workers for what they have done but we often forget about carers and the heroic efforts they have made over the recent period.

The Government has acknowledged that the pandemic unemployment payment, originally proposed to be €203 per week, was not enough for people and had to be raised to €350. That has implications for the disability allowance payment because if we rightly recognised that €203 was not enough for people who lost employment as a result of the pandemic, by the same token it is not enough for people with disabilities, particularly when they have significant additional costs such as paying taxi fares and all sorts of other things. We must look at increasing that disability payment for carers.

I would also like to mention the campaign that Access for All Ireland has waged and pay tribute to Sean O'Kelly and Bernard Mulvany for highlighting the unacceptable failure to properly maintain lifts and ensure access to the public transport system. It was a victory for the campaign that a welcome additional €3.3 million was announced to fix 12 stations in Dublin. That is welcome but still leaves many DART stations with serious problems. That money will not be translated into changes until 2024. Six lifts were out of service on the DART line yesterday. The day before, five lifts were out of service. The day before that, six lifts were out of service. A similar pattern was repeated in the weeks before that. It is not enough that the work will be completed in 2024. We need all of those lifts to be properly maintained in order to ensure that we get real access, and equality of access, to public transport for wheelchair users, people with mobility problems and so on.

I will speak briefly on the school transport issue. I have said the following to others in the past and I will say it to the Minister of State now. It would be a win-win situation if the Minister of State engaged with some taxi drivers whose employment opportunities have significantly diminished. A number of taxi drivers are already involved in school transport and many others are crying out for work. As we have said, there is a significant deficit in school transport, in particular serving children with disabilities and special needs where there may be concerns about Covid-19 and so on. I suggest that the Minister of State engages with the representative organisations of taxi drivers to discuss how they could assist to address the school transport issue, particularly for those with disabilities. It would also be beneficial for a cohort of workers who are in real trouble and need additional support.

The Minister of State's remit is partly within the Department of Health but she also is covering a whole range of other issues. It seems to me that given our commitments under the UN-CRPD, the issue of disability should be taken into the Department of the Taoiseach. That could allow a cross-departmental approach that is needed for the disability sector.

Deputy Joe Flaherty: I am sharing time with Deputy Christopher O'Sullivan. I wish the Minister of State well in her new role and commend her on the significant body of work that she has achieved to date and, specifically, today's announcement on funding to clear the backlog of young people waiting for an AON. It is much needed and I hope, in respect of my parish and county, that it will enable the Phoenix Centre in Longford, which operates a special needs unit, to return to optimum capacity. A number of staff are swabbing in Covid centres and it is important that this funding will facilitate their return to mainstream duties.

I will hone in on a couple of local points specific to St. Christopher's Services in Longford. It employs 220 people with a range of residential and day care facilities. When lockdown kicked in, unfortunately, 12 of the day care staff had to be redeployed to cover residential settings. As a consequence, the service is now catering for, at best, 55% of its day service users and those users are only getting a limited service. I have exchanged correspondence with the Minister of State about this. To expand day service provision to other families, the centre will need to repatriate 12 staff, but that will come at a cost in the region of €580,000. The reality is that without that additional funding the centre will not be able to provide a full day care service. My colleague, Deputy Moynihan, spoke very passionately about how we need to get back to a full resumption of day care services, and that means activating transport services, getting everybody back and providing the services that people need. The reality is that service users are suffering in isolation. We need to get them back into services. As I have outlined, that will come at a cost. We have to realise that this cost can, and will be, discounted in the context of the well-being of those people when they get back into a familiar setting.

The backbone of the St. Christopher's organisation is its 220 staff. The Minister of State will be aware that it is a section 39 organisation. We have had a number of conversations about this, but she will know that a festering issue for this and many similar organisations has been the fact that since 2013, St. Christopher's has been unable to pay or award its staff their much deserved increments. This issue has to be addressed because this wonderful facility is struggling to retain and recruit staff. Over the past year, it has lost 20 of its most experienced and capable staff. Sadly, many have gone directly to HSE facilities, which is cruelly demoralising for management but also colleagues who have remained in St. Christopher's.

The Minister of State has visited many facilities. On behalf of the staff and management in St. Christopher's, I extend an invitation to her to come and visit the facility, as well as the

10 September 2020

Phoenix Centre in Longford. When she visits them, she will realise their important place in the hearts of the people of Longford. I look forward to welcoming her in the coming weeks.

I am also very anxious to get clarity on the transition of a young service user in St. Christopher's to adult day services who has been with the service from a very young age. He started in the Holly Green crèche and is delighted to have progressed through the service. He has a great affinity with St. Christopher's and the staff, and it has been a huge part of not only his life, but that of his entire family. The Minister of State has ring-fenced funding for the transition of this young service user and a number of his peers around the country to adult services, but it is important that she impresses upon the HSE that this transition needs to happen in the short term, if not immediately. The reality is that this young man has seen his siblings return to school and is, unfortunately, simply unable to comprehend why he has not been able to return to his beloved St. Christopher's.

I refer to a second service user about whom I have conversed on a number of occasions with the Minister of State in recent weeks. A 48-year old service user is currently in a facility in Mullingar. His parents are in their 80s and he is undergoing dialysis. It was always the family's expectation and desire that their son be transferred back to St. Christopher's in Ballymahon as it is much more convenient for them. They live approximately eight miles away and want to be close to their son, particularly as the winter months set in.

An Leas-Cheann Comhairle: Deputy, you are colleagues so I am not sure how you are sharing time.

Deputy Joe Flaherty: The family and I understood that a bed is available in Ballymahon. I urge the Minister of State to try to expedite that transfer.

An Leas-Cheann Comhairle: I am sorry to interrupt. You did not indicate the breakdown of time.

Deputy Christopher O'Sullivan: I understood we had four minutes each. I will have words with Deputy Flaherty later. I thank the Minister of State. I commend the Minister of State on the passion she has brought to this role. It is clearly an area she is incredibly passionate about and she has started off in the right vein. The reversal of the €20 million cut was widely welcomed by service users and voluntary groups. Today's announcement of funding of €7.8 million for early assessments has been welcomed by everyone I have spoken to.

Every sector has its issues. Like Deputy Flaherty, I wish to discuss voluntary groups and services for people of all abilities. There is an issue with the recruitment and retention of staff. CoAction West Cork is an incredible facility that provides services for 200 adults and 800 children of a variety of abilities throughout west Cork. It is a phenomenal service. I have visited the centre in my home town of Clonakilty on numerous occasions, including once as mayor of County Cork. It was an uplifting experience. I received a warm welcome and interacted with service users. To see the interaction between staff and service users, the supports they got and the relationships developed was incredible. It was phenomenal to see at first hand the importance of the service. Like other Deputies, I would love to extend an invite to the Minister of State to visit the Clonakilty service, and other CoAction centres dotted throughout west Cork to see the incredible service they provide.

CoAction, like many other organisations that have been mentioned, is under pressure in respect of the recruitment and retention of staff, which comes down to the old chestnut of sec-

tion 39 workers who have not had their pay restored in line with their counterparts in section 38 organisations. A perfect example of what is happening at the moment is the fact that, due to Covid, CoAction is slightly realigning its service. It is moving towards a hub model and has 16 or 17 hubs dotted throughout west Cork. It will have to recruit approximately 30 staff to provide that service. The bottom line is that they cannot because staff are going to the HSE and private nursing homes, and are not attracted to the terms available in CoAction.

That needs to change because at the end of the day it is service users who suffer. That is who we are looking out for here and if we can recruit and bolster staff and increase the number of health professionals and other staff in CoAction, we will see phenomenal results. I ask the Minister of State to please come to west Cork and see for herself what is happening.

Deputy Ruairí Ó Murchú: Is it possible to have an exchange with the Minister of State?

An Leas-Cheann Comhairle: No. It is a session for statements.

Deputy Ruairí Ó Murchú: I realise that. If I do not ask-----

An Leas-Cheann Comhairle: The Minister of State can reply at the end of the debate. She has ten minutes to reply.

Deputy Ruairí Ó Murchú: Okay. I congratulate the Minister of State on her appointment and wish her well in her endeavours. Like many other issues in the State, we would like to start from a different place. We all know the difficulties that faced family carers prior to Covid, such as the requirement for respite and, in some cases, residential services, which were not always necessarily available. The history of the State in recent years has involved the outsourcing of some of those services.

I would like to bring to the attention of the Minister of State an issue that came up about residential services in County Louth. They have been told that some of the people who stayed with them had tried to access new dental care services and discovered that the dental treatment services scheme, DTSS, they had used is no longer being operated by their dental providers. We had heard about this happening to medical card holders, but this affects a specific cohort of people with intellectual disabilities living in residential settings. They had been told that Louth community care services would be able to deal with them. I received an answer from Louth community care services, which came directly from the HSE, in which they indicated that owing to a backlog, resource issues and additional difficulties they are experiencing, they would not be able to deal with anything other than medical emergencies. This needs to be addressed across the board as regards dental services because it is deeply worrying. This cohort of people and their families have enough difficulties and do not need the added burden of having to pay for dental services or being unable to access such services.

I have spoken to a number of family members who are delighted that services have opened up. These are people who use day services such as those provided by the Venegas Centre in Dundalk, which is operated by the St. John of God Foundation. The families greatly welcome the opening of services and are now getting home based services. Many of those who previously had 30 hours of service per week are now getting between ten and 12 hours of service each week. While the situation is much better than it was a couple of months ago, the issue needs to be addressed. I hope the Government, when it sets out its nine-month plan, in which the Minister of State will obviously play a part, will take this into account and provide a road-map that will include a service for these people that will be able to operate in the Covid-19

world in which we now live. These people require services. They are providing a great service not only for their families and family members but also the State by saving it a large amount of money and resources. We need to play our part. If there is a requirement for further resources, whether for buildings or staffing, they need to be provided as soon as possible. If the Minister of State answers those two questions, I would be very grateful.

Deputy Verona Murphy: I wish the Minister of State all the best in her new portfolio. I have no doubt that, like any woman, she will make an impact.

Some 13% of Irish people live with disability. When we talk about disability we must include all of those who are suffering from a disability, be it mental or physical, profound or otherwise. Disabled citizens have constitutional rights just like the rest of us. For them to adequately or at all benefit from these rights, they need supports. They have a right to equality but equal treatment does not give true equality to disabled citizens. We need to move towards Aristotle's version of equality, which does not mean treating all citizens the same, as that only gives uniformity. We must give our disabled citizens, as best we can, the supports that puts them on the same level or playing field as those who are not suffering from a disability. While it is accepted that this comes with a financial cost to the State, what about the cost borne by these disabled citizens and their families who, without fail, go above and beyond to give their disabled children and siblings the best possible chance of coping with their disability in their day-to-day living? They need State support and they have a right to it. Regardless of what it costs, these citizens have a right to the supports which, it appears, are being systemically removed, sometimes with the Covid-19 emergency being cited as the reason. This is not acceptable. The State has obligations towards its disabled citizens, not least flowing from the Constitution although they also flow from European and international human rights treaties.

In April 2018, Ireland ratified the UN Convention on the Rights of Persons with Disabilities. Under that treaty, Ireland has a duty. It is our duty and that of the Government to advance and implement the convention's provisions, which include empowering persons with disability to live self-directed lives of their own choosing. Basic civil and political rights for all are guaranteed under the Constitution. During the current Covid-19 emergency, disabled citizens require more supports, not less.

I will tell a little story about someone who called me in floods of tears at 11 o'clock last night. I supplied the details of the story to the Department this morning and with respect to the lady's family, I will leave out the names of the individuals involved. I was contacted as I said by a woman who was in floods of tears. Her sister attends a special needs facility in Dublin. She has severe cerebral palsy, is wheelchair bound and requires 24-hour care. She is non-verbal and requires assistance with all aspects of life, including feeding and eating, and all needs. Her parents, who are in their 70s, are her full-time carers. Before Covid-19, she attended a facility, a large adapted house in Dublin with seven other residents with similar needs, five days a week from 9 a.m. until 3 p.m., with respite until 7 p.m. on Wednesday and Thursday. Every so often, she was offered weekend respite. The service was completely shut down in March and did not resume until six months later, some two weeks ago. She is now attending two days a week and moving to three days from 15 September. Following a recent meeting with the chief executive of the facility, which took place last Tuesday, her parents were told that their daughter's full-time service would not resume and she would only be offered three days a week for the foreseeable future. In addition, there would be transport for one day a week only and no respite would be offered, whether at weekends or late evenings. This is extremely difficult for the family to accept. Their aim is to give the best quality of life, which they have achieved over the years, but

the parents are in their 70s. As the Minister of State is aware, this family are saving the State a great deal of money and are not being given any credit for doing so. They have been informed that the reason for the cut in services is primarily the need for social distancing. What makes no sense is that the facility had seven day residents and this has been reduced to four, all of whom are wheelchair bound and unable to leave their wheelchairs unassisted. While the facility has reduced the number of day residents to four, it has doubled staff numbers. I do not understand this. Surely a different approach should be taken to the most vulnerable in society. Their care should be a priority for the HSE and Government.

Schools have reopened, matches are being played, shopping centres are open and draft guidelines for the pubs are ready to go but the most vulnerable people in our society are being left behind. The Government may well be accused of being in breach of an international treaty, namely, the UN Convention on the Rights of Persons with Disabilities. It will affect the most vulnerable in society if we allow this situation to remain unchanged. I hope the Minister of State will respond to me on this matter as soon as possible.

Equally relevant is a case in New Ross, County Wexford, about which I have also been in touch with the Minister of State. A service provider, Cumas New Ross, has informed all of its 104 service users that no transport will be provided for them in future. Everybody who spoke today has raised the same issue. I ask the Department to at least consider the possibility of using the Irish Rural Link service. It should produce a roadmap for addressing this problem because it appears to be an issue all over the country.

I invite the Minister of State to visit New Ross at the earliest opportunity to see the facilities and meet service users and providers.

Deputy Brian Leddin: I will speak about mobility impairment. We do not treat disabled members of society fairly. There is much evidence to support this claim but I want to focus on how we have failed to create towns and cities that all of our citizens can get around and enjoy. We park vehicles on footpaths. We allow dogs to foul our streets and do not clean up after them. We install gates that people with disabilities cannot get through. We tolerate these things individually and collectively and that makes life more difficult for those who have mobility impairments. When it comes to our commitment to providing quality, universal access infrastructure our track record has been lacklustre at best. In doing so, we are showing a systemic disregard for our fellow citizens.

The United Nations Convention on the Rights of Persons with Disabilities was ratified by the Irish Government in 2018. The National Disability Authority states:

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. It applies established human rights principles from the UN Declaration on Human Rights to the situation of people with disabilities. It covers civil and political rights to equal treatment and freedom from discrimination, and social and economic rights in areas like education, health care, employment and transport. States which ratify the UN Convention commit themselves to delivering civil and political rights to people with disabilities, and to progressive realisation of social and economic rights.

It is time we embraced the United Nations Convention on the Rights of Persons with Dis-

abilities. We must ensure that people with disabilities have the right to access their own community. We must give a clear signal of intent as to where our priorities lie and that we intend to design our public spaces so that they are fully inclusive for all members of society. We need to stop constantly having to retrofit our public realm to be accessible as an afterthought.

People with disabilities walk and cycle too. People without power in their lower limbs can use hand cycles. People with conditions such as multiple sclerosis or Parkinson's disease can often find it easier to cycle rather than walk. Every person has abilities, and every person has limits to their abilities. If we make sure that our streets are designed so that they are open and accessible to people with disabilities, they will be open and accessible to us all at all stages of our lives. Designing our streets to allow people using wheelchairs to move safely and comfortably around would allow parents pushing buggies to move safely and comfortably around also. It will allow a footballer who has broken her leg and is on crutches for months to get about safely and comfortably. If we design for people with disabilities we will have villages, towns and cities that benefit us all at all stages of our lives.

High quality, inclusive, active-travel infrastructure is infrastructure that improves people's opportunities to access employment, public transport, education, green spaces, health services and social amenities. Walking and cycling provide opportunities for social interaction for people to meet and greet each other. We have seen during this pandemic the importance of social interaction. It helps combat social isolation. It helps build communities. Now, more than ever, in the face of a pandemic, a global recession and a climate and biodiversity crisis, we need to ensure that we have strong, cohesive communities. Allowing more people of different abilities access and engage with our public space enriches our society through diversity.

In the middle of a public health crisis we need to consider the impact of our streets on our public health. I urge local authorities around the country to filter through-traffic from town centres and build quality walking and cycling networks to allow people to be physically distanced while remaining physically active. We all know the importance of physical activity to maintain and improve our physical and mental health. We cannot continue to put barriers in front of people with disabilities so that they are excluded from doing the same. With sedentary lifestyles and lack of access to physical activity, people with disabilities can often start with one impairment and develop others. Disabled people have shorter life expectancies. We need to do more to protect their health.

The Design Manual for Urban Roads and Streets was published jointly by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government in 2013. It is a very good document which contains within it many of the important design principles and fundamentals which will greatly improve mobility for all our citizens. DMURS, as it is known, is mandatory guidance, that is to say that all local authorities must follow it when designing a new public realm or making any interventions to an existing public realm. Regrettably, it is widely ignored.

It is not enough to have good guidelines. We must have adherence and implementation. It is time we created the role of disability officer in our councils, qualified personnel who can access projects for their alignment with the guidance and with the needs of those who are mobility impaired.

This Government has committed to funding walking, cycling and mobility infrastructure to ensure that many more people can choose to walk or cycle in their communities and to improve

dramatically modal shifts to sustainable modes of transport. Active travel has been underfunded for far too long. All across the country, local authorities are implementing active-travel infrastructure. We must ensure that this active-travel infrastructure is fully inclusive. We need more continuous footpaths with level surfaces. We need extended pedestrian crossing times. We need mobility lanes wide enough to accommodate different types of bikes and the provision of disabled bike parking. We need to be ambitious about the design of our streets.

To ensure that active travel in Ireland is fully inclusive, we have to look beyond infrastructure. Financial supports are available for adapted cars for people with disabilities but adapted cycles can be prohibitively expensive. I would welcome an expansion of the current successful bike to work scheme that the Green Party introduced to ensure that all members of our community - disabled people, the unemployed, students and our elderly - can avail of the scheme. The July stimulus included an expansion of the scheme to include ebikes. I would welcome its further expansion to include adapted cycles also for people with disabilities.

We must bring about a sea change in our attitudes to people with disabilities and everyone must play their part. A zero-tolerance approach to parking on footpaths and in cycling lanes, which disproportionately affects people with disabilities, is required. We need traffic wardens and An Garda Síochána to enforce that. We need local authorities, planners and engineers to ensure that our public realm is inclusive to everyone and that our active travel infrastructure allows everyone to get around their community safely and comfortably.

An Ceann Comhairle: I thank Deputy Leddin. We move now to Deputy Carol Nolan, who is sharing with Deputy Mattie McGrath.

Deputy Carol Nolan: I begin by wishing the Minister of State, Deputy Rabbitte, the very best of luck and every success in her new role. I begin on a positive point by noting the funding for the assessment of need has been put in place. We have the worst waiting list in Laois-Offaly so I am hoping that progress can be made in that regard.

The backlogs in terms of children on speech and language therapy and occupational therapy waiting lists is a very serious problem. Currently, 1,118 children have been waiting in excess of 12 months for occupational therapy while 159 children have been waiting in excess of 12 months for speech therapy. I am very concerned about that as a former teacher who spent some time teaching children with special needs. This problem needs to be tackled. I have met parents of children with special needs such as Laois Offaly Families for Autism, and they have done fantastic work in highlighting the issue. I hope that we can get to grips with this ongoing problem once and for all because it is having an effect on children's well-being and also their education.

I want to raise the issue of people with disabilities and the fact that the effective closure of day care services is ongoing. The Minister of State, Deputy Rabbitte, replied to a parliamentary question of mine on this very issue in July but I stress that it is important that we get these adults with intellectual disabilities back into the day services as soon as possible. I have been contacted by many families worried about their loved ones who are regressing. It is a very serious issue and one we need to get to grips with quickly.

The Minister of State referred to the guidance to support the framework for the resumption of adult disability services that was published by the HSE on 8 July 2020. I ask the Minister for an update on the implementation of the framework for the resumption of adult disability

10 September 2020

services. Have any significant obstacles been identified and, if so, what steps are being taken to address those obstacles? I know the Minister of State will appreciate that these are vital links for families and for the service users themselves and the loss of them has had a very negative impact on many of the people affected. I also understand that the day services were meant to resume gradually during August and that the service providers are working to get all those services ready to reopen safely and in line with public health guidance. I would like an update on that. I would be grateful if the speech and language therapy waiting lists could be tackled in Laois-Offaly.

Deputy Mattie McGrath: I too congratulate the Minister of State and wish her all the best in her very challenging and important role, which concerns disabilities of all kinds. We pay lip service to the disability sector and breach UN conventions regularly but we do not seem to care.

Covid has had a shocking impact on the capacity of those with profound disabilities, from young children right up to the elderly, to avail of services. I wish to refer to two cases in this regard, one concerning a young person, a constituent's daughter. She received a letter on 30 July 2020 stating she had been accepted by the Brothers of Charity. Her mother was delighted. The daughter finished in Scoil Chormaic, a great institution in Cashel, last March because of Covid and did a trial in Dún Aoibhinn in Clonmel, a wonderful house where she understood she would be getting a place in September. She did not get it however. She is 18 years of age, waiting at home, wilting away and regressing.

The other case concerns a man I know very well. He is 62 years of age. He attends Cluain Árann, as well as Cuan Croí in Tipperary town. This is a wonderful service but such services are all closed. The man cannot avail of a respite service in Cluain Árann every eight weeks. Cuan Croí is a wonderful place that I often visit but the doors are closed. All these places are locked up. We find that skilled people from the HSE who are needed in these services are out doing contact tracing although thousands of people signed up to Ireland's cause and offered help. The HSE is utterly dysfunctional. The Minister of State knows that and was in opposition long enough to know it.

The disability service is so sensitive. It is so important for the young people affected. I know them. Can one imagine being incarcerated? Can one imagine not being able to go off in the bus with the carers and driver, who are part of a wonderful community, to and from a day services centre? Their being able to do so would allow for interaction with others. For the service to be closed up since March, thus locking out those in need of it, is criminal. While we must listen to the advice of NPHE, we must also be cognisant of the impact on people's lives, including their mental health. Consider the mental health of the families of those in need of services. They see their loved ones suffering and cannot do anything about it. I appeal to the Minister of State, the Minister and the Taoiseach to say to NPHE that they heed its advice, that its advice is important and that it is qualified to give it but that they have to strike a balance overall, accounting for the impact on mental and physical health and on those with special needs. The latter cannot just be sidelined and marginalised.

Deputy Marian Harkin: I formally congratulate the Minister of State on her new and most important role. I know she will bring intelligence, empathy and real commitment to her work because she is a woman who likes to get things done.

First, I ask for the Minister of State's strong support so the forthcoming budget will provide adequate resources to support people with disabilities. Consider some of the headline issues,

including the implementation of the UNCRPD. For many, that is just a document. The reality of it is that we have to have rights-based entitlement to services. Housing is an issue for many people, no less so for people with disabilities. The latter have to be part of any housing plan to speed up deinstitutionalisation and independent living. Access to employment is important for all people, including those with disabilities. We should examine the mainstreaming of the Ability programme. I am glad to see the Minister of State is nodding her head about it. We also need to ensure there is accessible travel. These are not entirely the responsibility of the Minister of State because it is also a question of co-ordinating with other Ministers. The ratification of the UNCRPD involves a whole-of-government approach, and the upcoming budget can start the process.

I have two questions for the Minister of State. The first relates to the resumption of adult disability services. We are all aware of the situation and of the Enough is Enough campaign, which brought its case to the street outside the Convention Centre Dublin last July. At the time of the publication of the HSE guidance on the resumption of services, I was very critical of some of the top-down, bureaucratic proposals and the language used. I am pleased, however, that genuine efforts are being made at local level to get services back up and running. That is a testament to the local staff and organisations. I am not saying that because it sounds good but because some parents have said it to me. There is, however, only a partial resumption. Many still do not have adequate services and transport is a major issue. Does the Minister of State have an indicative timeline as to when more of the services will be resumed? The parents of adults with disabilities are so grateful to get anything. Once a service starts again, they are grateful but we really need to consider the educational needs of all of our children, not just the ones who have gone back to school recently.

My second question relates to the huge waiting lists for various therapies for children, including those with disabilities. These therapies include speech and language therapy and occupational therapy. I believe there may be a move to use the National Treatment Purchase Fund for obtaining psychological services. That is good news if true, and perhaps the Minister of State can speak to it, but it would be great if the initiative could be enlarged to include speech and language therapy and occupational therapy. If the Minister of State cannot respond today, she might respond in writing.

I have two final points. Deputy Boyd Barrett spoke earlier about a payment for family carers who took full responsibility for adults with disabilities during the Covid crisis. It is my understanding that they did not get anything extra. I know it is hard to ring-fence this kind of thing but maybe a once-off payment through the budget or some extra respite or recognition would assist. Could the Minister of State put her mind to it? It is not easy but worth thinking about.

The Minister of State mentioned section 39 organisations. In this regard, I have spoken to many in my constituency, including representatives of North-West Parents & Friends Association and Acquired Brain Injury Ireland. I heard the Minister of State say there is a need to relieve all section 39 organisations of their obligation to achieve the required 1% efficiency target. I am pleased to hear that.

The lower pay scale for section 39 staff since 2012 is just not acceptable. The staff are expected to provide the same services as their colleagues in the HSE on a much lower pay scale. That means attracting and retaining staff comprise a huge issue. The most important point is that of fairness and equity. I am sorry to bombard the Minister of State. It is my first time speaking on this. I have raised many points but, as I stated, I know the Minister of State is a

woman who likes to get things done.

An Ceann Comhairle: Would the Minister of State care to respond to the debate?

Minister of State at the Department of Health (Deputy Anne Rabbitte): I will respond to the debate and to the one Member who has managed to stay in the convention centre to hear my response. Correct me if I am wrong, a Cheann Comhairle, but is there anybody else other than Deputy Harkin here to hear me respond?

An Ceann Comhairle: The Minister of State at the Department of Health, Deputy Feighan, is present.

Deputy Anne Rabbitte: I am sorry.

Normally when I am taking notes, I believe it is important to respond to everybody who has taken the time to come in to raise their issues. I have made many notes on the valuable contributions made. It is regrettable that the contributors have not stayed here to listen to my answer.

I will begin with Deputy Harkin, who just raised issues with me. I will respond directly to her before delivering my speech. She raised two issues, the first being the resumption of the adult day services. I could not agree more with her on this. I have met many of the families concerned and noted they were absolutely delighted that there has been a resumption of the services. The Deputy is quite right in saying this is down to the staff and providers of all the services. They are putting their shoulders completely to the wheel. I must also acknowledge the collaborative work done since the outbreak of Covid by the Department, the HSE, the providers, the families and service users. One of the earlier contributors spoke about a breakdown along the way. However, if Covid-19 did anything within the disability sector, it was to create an opportunity for services to work together more closely with one focus in mind, namely, protecting service users. Since becoming a Minister of State, I have met the Department and the HSE and they want that collaboration to continue. That is why I have support in relation to the 1% efficiency target and the €7.8 million allocation. There is a wide recognition in both the Department and the HSE on the need to support the frustrated families now. When we talk about the resumption of adult services, Deputy Harkin is right that it is not perfect. Services are not by any manner or means back at 100% or operating at their normal level of five days a week.

The most important point to remember is that Covid-19 has not gone away. Every provider is unique. All the service users who attend them are unique individuals with different underlying conditions who need particular care plans. The challenge the providers are tasked with meeting is to protect our most vulnerable as they return to the service. The objective is to ensure we have a comprehensive resumption of services. The whole costing behind that resumption of services is being discussed. It is part of the winter plan which has been extended on both sides, its start and finish. Part of that plan involves providing an additional 813 staff and the extra accommodation required to ensure facilities are in place to allow as many people as possible to return to the adult services.

Transport, which was raised by almost every speaker, is also being addressed. We might not hit the desired requirement of funding but the issue is being addressed.

Deputy Harkin also raised waiting lists for therapeutic interventions and the National Treatment Purchase Fund. Budgetary conversations are taking place at this time. The first step we took this morning was to address the backlog in assessments of need. I would like to start

by carving into the backlog of people waiting for speech and language therapy, occupational therapy and physiotherapy.

I am also aware that a high-level conversation is taking place to ensure people who deliver part of the network disability teams are recalled from contact tracing. I was aghast to hear a directive was sent on this. I have requested that these people are returned to their posts because there are children in need and we cannot have our most critical staff who are needed for interventions doing contact tracing. We should deploy staff from other sectors to do contact tracing. I have no problem in saying that.

The Deputy opposite, whose name I have forgotten, raised two issues. I will look into the dental treatment issue he raised. I do not have an answer offhand but I will investigate the matter for the Deputy. Will he prompt me on the other issue he raised?

Deputy Ruairí Ó Murchú: It was the reopening of services and I raised a specific service in Dundalk.

Deputy Anne Rabbitte: The other Deputies also raised vital points. I touched on transport. On funding for school leavers and those transitioning to adult services, the sum available is €12.5 million. That issue is being addressed by the different providers and through the school leaver programme.

One contributor stated there was no funding available for the reopening of adult services. A sum of €40 million was provided as part of the Covid-19 reopening which was in addition to the €484 million allocated for budget 2020.

There is a programme for Government commitment to ratify the optional protocol after reporting first cycle which I believe is due in December 2020. Additional funding is being sought for day services through the winter plan, which I explained to Deputy Harkin.

Transport is a huge issue all round. What I will do, having taken notes today, is discuss this matter with the Department and HSE. Where a service provided before Covid-19 is not being provided on the resumption of services during Covid-19, I will need to get a better understanding of that because I do not understand why a service has fallen. If a person is returning to a reduced service for two days a week, it is hard to comprehend that we are not able to provide him or her with the transport we provided pre-Covid. I will look into that. I have addressed assessments of need.

The carer's allowance is a matter for the Minister with responsibility for social protection, Deputy Humphreys. The Minister and I will certainly have a conversation on that.

A Deputy stated that this portfolio should have been placed in the Department of the Taoiseach. Decisions on appointments and where functions reside are far above my pay grade. At the same time, in my function as Minister of State with responsibility for disability, I am not afraid to talk to the Minister of State with responsibility for special education, Deputy Madigan, or the Minister with responsibility for transport, Deputy Eamon Ryan, or anyone else to ensure we join the dots. If anything, we have learned that cross-departmental work is often vital where disability is concerned because it cuts through Government. I would like to think I am a communicator and I will be able to deal with people.

One of the best speeches this evening was made by Deputy Leddin from Limerick. He

articulated very well the challenges faced by people with disabilities in their active lives and in their day as they try to get around. When developing county development plans and doing remedial work in our local towns and villages, we should keep in mind how people with disabilities can access their route around their locality. That is important.

I thank Deputies for their constructive contributions to this afternoon's debate. I have listened and noted all points and I assure them, as I did earlier, that I will do everything within my capacity as Minister of State to improve the lives of those with disabilities. Across Government, a programme of reconfiguration of services has been under way to support people with disabilities to make the types of choices available to other adults in an environment that is as accessible to them as it is to everyone else in society and to support them to live the lives they want to lead. The recently published Programme for Government: Our Shared Future continues this theme of reconfiguration by making a number of crucial commitments and we believe it will deliver supports in a manner that promotes empowerment and improves quality of life.

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 29A and the name of the Member in each case: (1) Deputies Aengus Ó Snodaigh, Dessie Ellis, Seán Crowe, Denise Mitchell and Mark Ward - the need for extra Garda resources to tackle the sale, distribution and use of fireworks in Dublin; and Deputy Denise Mitchell - to ask the Minister for Justice and Equality what resources are in place for the Garda to tackle the ongoing attack on our communities through the misuse of fireworks and what legislative changes are needed to address this problem; (2) Deputy Joe Flaherty - to discuss the risk to the forestry sector; (3) Deputies Violet-Anne Wynne, Pa Daly, Louise O'Reilly, Maurice Quinlivan and Darren O'Rourke - to discuss the current crisis for Irish travel agents; (4) Deputy Pádraig O'Sullivan - to discuss ongoing issues with noise and odour complaints from Carrigrennan wastewater treatment plant, Little Island, Cork Harbour; (5) Deputy John Lahart - to discuss the crisis facing businesses and traders in Dublin city; (6) Deputy Jennifer Whitmore - to discuss the accommodation crisis at Greystones community college, County Wicklow; (7) Deputy Jennifer Carroll MacNeill - to ask the Minister for Education and Skills about the need for a permanent building for the Dún Laoghaire Educate Together school; (8) Deputy Paul Murphy - to discuss the issue of downgrading of the paediatric emergency department at Tallaght Hospital; (9) Deputies Holly Cairns and Christopher O'Sullivan - to discuss the causes of and responses to recent floods in Cork South-West; (10) Deputies Carol Nolan and Barry Cowen - to discuss repeat flooding events along the River Shannon; (11) Deputy Cian O'Callaghan - to discuss conditions in emergency accommodation for homeless people; (12) Deputy Richard Boyd Barrett - the liquidation of St. Mary's Telford by the Sisters of Charity; (13) 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 Great Island in County Cork; (14) Deputy Pat Buckley - to discuss concerns over hygiene and infection control standards at Cork University Hospital geriatric unit; (15) Deputy Aodhán Ó Ríordáin - to ask the Minister for Justice for an update on the proposed Garda station for Dublin 13 and 17 as announced by the assistant Garda commissioner in June 2019 and if she can make a statement on the matter; (16) Deputy Ruairí Ó Murchú - to ask the Minister for Finance to discuss the level of dysfunction in the insurance industry and

particularly the case of the leisure industry, community groups and community facilities which are being charged extortionate rates or cannot access public liability insurance, and what plans he has to deal with this devastating state of affairs for businesses and the community sector; (17) Deputy Gary Gannon - to discuss the increase of youth crime over the Covid-19 period, particularly pertaining to the inner city centre; (18) Deputy Peadar Tóibín - that the Minister create a fair investigation into the false diagnosis abortion that happened in the National Maternity Hospital in March 2019; and (19) Deputy Matt Carthy - to discuss the European Commission's REACH committee's recent adoption of a regulation which would ban the use of lead gunshot in Ireland in light of reports that Ireland voted for the amendment, having not addressed concerns acknowledged by the Minister during a previous Topical Issue debate.

The matters raised by Deputies Pádraig O'Sullivan, Cian O'Callaghan, Boyd Barrett and Buckley have been selected for discussion.

Public Health, Well-being and National Drugs Strategy: Statements

Minister of State at the Department of Health (Deputy Frankie Feighan): I welcome this opportunity to update the House on the important policy areas that fall under my remit as Minister of State with responsibility for public health, well-being and the national drugs strategy. My opening statement will deal with how these policy areas support the response to the Covid-19 pandemic. My closing statement will set out my policy priorities for the remainder of 2020 and into 2021.

Covid-19 is having a major impact on every aspect of our society both in Ireland and across the globe. Real progress has been made in suppressing the virus thanks to the great efforts of our healthcare workers and our citizens. By working together, we have saved lives and limited the impact of this disease on our society. However, we must all do everything to avoid the virus spreading further as we head into winter. The Covid-19 pandemic has put public health and well-being centre stage in Government policymaking and the lives of our citizens. Physical and mental well-being have always been important, but are now more vital than ever as we adapt to living with the changed world caused by the Covid-19 pandemic.

As outlined in the programme for Government, the State has a major role to play in promoting good physical and mental health. I believe that a healthy lifestyle is a key foundation for a better quality of life and is key to reducing the risks from infectious and chronic disease. Empowering people and communities to shift our focus more towards prevention is a key element of the Sláintecare strategy delivered through Healthy Ireland, a framework I am proud to head up.

Healthy Ireland is our national action plan to help people to live healthier and longer lives, prevent illness, and reduce health inequalities. Since Healthy Ireland was launched in 2013, further policies have been developed under its umbrella to address specific public health priorities and reduce the risk of ill-health. These include the national obesity policy and action plan, the national physical action plan and the national sexual health strategy. Further support for implementation also includes a national Healthy Ireland citizen engagement and communications campaign, the Healthy Ireland fund, and support for our evidence base through the

outcomes framework and Healthy Ireland survey.

Most important, we have built strong networks with a wide range of collaborators, encompassing other Departments, Government agencies, local authorities and the research sector to further Healthy Ireland's aims and objectives. Over recent months the communications and citizen engagement campaign was repurposed as a wider cross-Government well-being campaign, *In This Together*, to promote resources and initiatives from across Government to support health and well-being during the pandemic. This campaign and activity of support in the context of the pandemic will continue in the months ahead to help maintain our individual and collective well-being.

During this pandemic, we have learned that it is within our power to protect ourselves and others from Covid-19 if we follow public health advice. It has been widely reported that the risks of serious illness from Covid-19 are increased substantially if we have certain health conditions, including heart disease, diabetes, respiratory diseases or cancers. The personal actions we take to reduce the risk of developing these conditions are well known and include quitting smoking and keeping our alcohol consumption low. These are simple actions, but I appreciate they are not easy. The fear, worry and uncertainty felt by many in the recent difficult months may have made it even more difficult to look at our tobacco and alcohol use. However, it has never been more important to do so. That is why it is now more urgent than ever that the Government and I, as Minister of State, do whatever we can to help people make healthier choices in their everyday lives.

Smoking remains the biggest single cause of addiction, ill-health and death in Ireland, with an estimated 6,000 people dying each year from tobacco-related diseases. One in every two smokers will die of a disease that is attributable to smoking, such as cancer, heart disease or respiratory disease. This dark reality cannot be highlighted enough and it is why I have chosen to discuss it again in our national Parliament today. The World Health Organization, WHO, has warned that smokers are more likely to develop severe disease with Covid-19 than non-smokers. This is because those with impaired lung function due to smoking find it harder to fight off the virus. Now is the time to quit smoking and now is the time to do what we can to help those who want to quit.

Ireland has a reputation as a world leader in tobacco control and has set a target to have a smoking prevalence of less than 5% by 2025. The two principles underlying the tobacco-free Ireland policy are protection of children and the denormalisation of smoking. The public health tobacco and nicotine-inhaling products Bill, currently being drafted, is designed to further deliver on those promises. I look forward to the day it is brought before the House. I hope we can work together to enact it and ensure the harmful effects of cigarettes are kept from our children and that smoking is viewed by all as the serious health risk that it is.

The health harms attributed to alcohol consumption include diabetes, cardiovascular disease and some cancers. Like the diseases associated with smoking, these illnesses were highlighted by the Covid-19 pandemic. The Public Health (Alcohol) Act 2018 is beginning to take effect in Ireland. Shops are already separating their alcohol from other groceries to be ready for the November deadline for that change. I pay tribute to retailers for their willingness to take on these actions at a time so many other changes are affecting their businesses financially.

I reaffirm to the House that I am strongly committed to introducing minimum unit pricing so that the cheapest and yet stronger alcohol will no longer be available at such low prices to our

younger people and to those who drink to harmful excess. I am working hard on this issue and I look forward to working with our colleagues in Northern Ireland to share the experience of enacting this very important health measure on both sides of the Border without further delay.

Covid-19 has reinforced the need to treat drug and alcohol misuse as a public health issue. The national drugs strategy, Reducing Harm, Support Recovery, provides the roadmap to a health-led approach to drug and alcohol misuse, which supports harm reduction and treating people with compassion and respect.

Covid-19 posed a major threat for people with drug addiction, especially those who are homeless and not in treatment. I recently met staff from the HSE's addiction services to hear at first hand about the changes in the delivery of opioid-substitution treatment during Covid-19. Specific resource documents were developed to ensure that all people in receipt of opioid-substitution treatment could continue safely on the treatment during the pandemic and that anyone who required such treatment would receive it. I am pleased to report that existing patients continued the opioid-substitution treatment throughout the pandemic and an additional 755 people were brought into the treatment, an increase of 7%. As a result, the impact of Covid-19 on people who use drugs has been greatly minimised. HSE addiction services have saved lives, although perhaps not in hospitals, by ensuring that people with underlying health conditions did not end up in intensive care in the first place.

The programme for Government contains a commitment to retaining the specific actions taken to support increased and improved access to opiate substitution treatment during the Covid-19 pandemic. I am determined to mainstream the gains that have been achieved within the health services.

One of the downsides of Covid-19 has been the circulation and use of new drugs throughout the county. One such drug that worries me is called nitrous oxide. The HSE and drug and alcohol task forces have been proactive in communicating to parents and youth workers the dangers associated with nitrous oxide. I have also confirmed that the sale of nitrous oxide is prohibited under existing legislation. My colleague, Deputy Higgins, has also been proactive in promoting the risks associated with this drug. As Minister of State with responsibility for this area, I am conscious that more action may be required. This is why I have asked the HSE to commence greater research on this drug to enable my Department to make evidence-based choices.

I am aware that drug and alcohol services have had to adapt in new ways to continue working to support people affected by substance misuse. My Department is currently undertaking an assessment of the impact of Covid-19 on drug and alcohol services to identify lessons for policy and practice. This assessment will be presented to the national oversight committee, which I chair, for discussions with all stakeholders in the strategy, including the Department of the Taoiseach. Work is under way to prepare for the restoration of drug and alcohol services in a planned and appropriate manner in line with public health advice. This includes guidance on one-to-one and group supports. My Department has established a working group with drug and alcohol service providers to identify the guidance and supports required. I have also approved emergency funding to offset the costs of delivering drug and alcohol services in a Covid environment.

I am aware of concerns that recently introduced regulations that restrict indoor events to no more than six attendees would impact on the operation of drug and alcohol support groups. These groups provide a key lifeline for people struggling with addiction and support their re-

10 September 2020

covery and rehabilitation. As announced earlier this week, it has been clarified to me that drug and alcohol support group meetings are not impacted by the restrictions and can continue to operate, subject to adherence to public health guidance relating to physical distance and other protective measures. I advise that these support groups proceed with an extra degree of caution and put in place strict protective measures as individuals with addiction problems are more vulnerable to the risks of Covid-19.

Responsibility for the health needs of socially excluded groups such as people who are homeless, Travellers, the Roma community and residents of direct provision centres also comes under my ministerial brief. Covid-19 has brought into focus the significant health inequalities faced by these groups due to social and housing conditions. At the beginning of the pandemic, a range of preventative and precautionary measures were introduced, which were aimed at minimising the risk of infection among service users and staff in congregated settings. The impact of Covid-19 was greatly minimised by an intensive and collaborative response from Departments, the HSE and civil society. A good example of this approach is the measures adopted for people who are homeless. As a result of these efforts, the number of outbreaks of Covid-19 in homelessness services has been minimised, with only 15 cases associated with four clusters. We need to maintain these supports for homeless people and other socially excluded groups as Covid-19 remains a threat to public health.

I hope that the Deputies present now have a deeper appreciation of the increased importance of public health policies as a result of Covid-19 and of how these policies, Healthy Ireland, tobacco and alcohol policies, the national drugs strategy and Inclusion Health have helped to minimise the impact of Covid-19 on the population, especially those who are socially excluded. I look forward to the contributions to this debate.

Deputy Thomas Gould: The Minister of State raised the first issue I wished to raise with him, which is good. However, I still find the response unbelievable. I raised the issue of 12-step meetings with him. I refer to meetings of groups such as Alcoholics Anonymous, Gamblers Anonymous, Narcotics Anonymous and others as well as other meetings for people in recovery. The key word here is “recovery”.

I wrote to the Minister of State on 20 August on behalf of the people who attend these meetings and I believe they are essential services. Unfortunately, I had to write to the Minister for Health and the Taoiseach when I did not get a response. The Minister of State did, however, reply to me on 26 August. I then sent his response on to the members of these recovery groups and explained that, according to him, they were not allowed to meet because such meetings would not comply with the limit of six people meeting in indoor settings. They believed it was insulting to suggest they would not have the capability to organise meetings with social distancing. The Minister of State said that information about the effects of alcohol and health tips to cut down could be accessed on the HSE website, *askaboutalcohol.ie*. Is it sufficient to send people who are in recovery and who need these meetings to a website?

Another point he made to me was that the HSE had produced a poster. We are talking about a poster when hundreds of meetings nationally were closed down because he did not ensure they could stay open. People who have been in recovery for ten, 20, 30, 40 years or more and who are stalwarts in their communities and know how to advise people were prevented from meeting for three weeks. The Minister of State’s response to my emails was flippant and dismissive. I asked him whether these people should be granted an exemption. In his letter, he said that this may not be the time to introduce exceptions to the public health advice. The funny

thing about this is that, last Friday, I received a phone call from someone who told me that a Fianna Fáil backbench Deputy had told Alcoholics Anonymous that it could go ahead with its meetings. Alcoholics Anonymous then released a press statement to say that, until it got proper public health advice, its meetings would not go ahead. On Monday, we were given clarity in a letter and, on Tuesday, it was announced that all 12-step meetings for people in recovery could go ahead. This was three weeks later. The Minister for Health also said that those meetings were never meant to be stopped and that they were considered essential services.

I wrote to the Minister for Health and to the Taoiseach's office. Is there a lack of communication between Fine Gael and Fianna Fáil? Is there a lack of caring? Did the Minister for State ask the Minister for Health whether these meetings could go ahead? The Minister obviously did not read my emails. I am even doubtful whether the Minister of State read my emails in light of his response. It is an absolute disgrace that people who are in recovery could not meet for three weeks because of a communication issue between two Ministers, which probably arose because they are members of two different political parties. It is not good enough. Nor is it good enough to announce three weeks later that these groups could have met all along. I forwarded the Minister of State's response to all the groups who had contacted me.

There is so much more I want to say and so many more issues I want to raise today. The national drugs strategy has a 50-point action plan that was intended to run between 2017 and 2020. In response to a parliamentary question I tabled in June, I was informed there were 35 actions in progress, four completed and 11 more to be started. A briefing paper for the Minister for Health received under a freedom of information request stated that at the end of 2019, all of these figures were the same, that is, 35 actions in progress, four completed and 11 not yet started. Was no work done on the national drugs strategy in 2019? I have raised this issue and my concerns on it. We should have reports every three or six months, not yearly. That is the problem here, namely, no one is keeping an account of this strategy. I recently met representatives of one group, the Alcohol Forum, who were excited to be included because of the work they do on alcohol addiction. They are at point 1.1.1 in the strategy and it has not even been started yet. I am conscious of the time and other speakers.

The Minister of State did not mention the whole issue of dual diagnosis and I found that exceptional. It is mentioned in the national drugs strategy, the mental health strategy and is part of the programme for Government. Currently we have only a small number of underfunded pilot projects. I now ask that the Government forget about pilot projects. We want a national scheme rolled out. We want a "no wrong door" policy introduced.

I will conclude by saying I am proud to be Sinn Féin spokesperson on addiction, recovery and well-being because I am proud to be able to give a voice to people and communities who are often not heard. I will be holding the Minister of State and the Government to account because someone needs to stand up for those people who do not have a voice. I want to work with the Minister of State but thus far, his performance has been dismal. He really needs to up his game when it comes to the drugs strategy and the health of our nation.

Deputy Louise O'Reilly: In his opening statement, the Minister of State mentioned that persons running recovery support meetings should proceed with extra caution because people with addiction problems are more vulnerable. That really worries me because the people attending these meetings are in recovery. They have managed to get themselves into a situation where they need the meetings for support but they are no more vulnerable than the Minister of State or me. They could be people who have gone 20, 30 or 40 years since they last had a

drink or gambled. They are no more vulnerable than the Minister of State or me and yet the first time he mentions them, he chooses to pigeonhole them, to call them vulnerable, to say they are somehow other. That might explain the difficulties that An Teachta Gould has had in dealing with the Minister of State and getting him to actually understand what the issues are. It is a little bit like how the Minister of State did not understand that nitrous oxide was a problem outside Dublin. That was, by the way, very insulting to Dublin people but also to people in Limerick, Cork, Galway and everywhere else who are dealing with it because they see clearly that while the Minister of State might have an interest in some aspects of his job, this does not seem to be a priority for him.

According to the HSE, there are only 665 treatment and detoxification beds across the community. That is down from 787 in February 2017. We lost the Keltoi residential treatment centre recently and we do not have a date for it opening. An assurance has been given by the Minister of State's office that it is going to be opened. I mean no disrespect to the Minister of State but without a date, that assurance is utterly meaningless. I cannot stay for the Minister of State's closing remarks but I will be watching. I hope he uses his time to give a date for the reopening of the Keltoi facility.

Covid-19 has fundamentally changed how we do things because it has to. We know that. Social distancing and the public health guidance has meant that many treatment facilities are facing unchanged overheads and massively reduced capacity. As such we need a commitment from the Minister of State that he is going to be able to shore up that funding to ensure the small amount of facilities available can remain open. There are many facilities which have kept their clients on longer than perhaps would be the normal practice because they recognise how vulnerable they are and they know their clients need that. I commend those facilities on doing it but they are swimming against the tide and the Minister of State needs to see that. They have the impression that the Minister of State is not helping them. The Minister of State has not been in the role very long and some of the statements he has made thus far would give them cause to be very concerned.

In the Minister of State's closing statement he should give a date for the reopening of the Keltoi facility, if he can.

Deputy Aodhán Ó Ríordáin: We are in a pandemic situation; we have a virus that is making people unwell and is killing people. I wish that other aspects of Irish society and public policy were dealt with in the same manner which the Government has dealt with this issue and indeed other issues such as Brexit. There is nothing the Government would not do or say, no intervention it would not make and no resources it would fail to find in order to deal with the Brexit issue or indeed with this pandemic.

There is another scourge in this country which kills people, ruins families, makes people incredibly ill, shortens their lifespans and ends their lives in public toilets, stairwells, parks and playgrounds. We have the third-highest overdose rate in Europe and yet we do not have the same political response to it because, in effect, the value placed on those lives is less. I know that to be the case because the very people who suffer from addiction and who are in recovery trying to rebuild their lives are called names. They are called names by politicians and by the media. They are called junkies, druggies and zombies. I once heard one commentator on RTÉ Radio 1 refer to a cohort of people in the court system as having a "Dublin 1 complexion". Last year we had a senior Minister sending out literature to her constituents celebrating the fact that a health facility in her constituency would not be a methadone clinic, because clearly those

in recovery are beneath her, her office and her help. Furthermore, we criminalise them, we criminalise their addiction and their medical need. We think we can sort out the drugs issue in Ireland through criminal sanction. It does not work and it has not worked. It has not actually worked anywhere. The idea of a war on drugs is a colossal middle-class lie because a war on drugs is a war on people and a certain type of person.

I say to the Minister of State that the issue of decriminalisation of the person has to be at the forefront of his agenda. Whenever someone in politics or in a lobby group or in public commentary uses the word “decriminalisation”, people immediately assume something completely different. They assume we are talking about legalisation of substances or decriminalisation of cannabis. We are not. We are talking about decriminalisation of the person, because the opposite of addiction is not being sober. The opposite of addiction is connection, that is, connection with life and with people, connection itself. Yesterday and today, we have had debates on ensuring we can open public houses that sell a drug that kills 100 people a year through fatal overdose. Each year, 100 people die of a fatal overdose of alcohol, which is two a week. These Houses have been used to further the agenda of those who want to distribute that drug. That is fair enough. Nobody would ever suggest that the best way to deal with alcoholism, and the best way to stop 100 people dying a year, would be to stop selling it or to criminalise those who take it but that is exactly what we do with every other substance which is a drug.

Will the Minister prioritise decriminalisation as a national policy? I also want him to prioritise the stated programme for Government commitment on the establishment of a citizens’ assembly on drugs. It is a commitment in the programme for Government that can be delivered. It has to happen immediately because if we are in a situation whereby we have the third-highest overdose rate in Europe and people are dying on the streets throughout the country, then it is something that must take much higher priority. If it were to be treated in the same way as Brexit or Covid-19 we would have a much fairer and decent society that looks at the most vulnerable and does not call them names, dehumanise them or have Cabinet Ministers undermining them but has them looking at the Parliament to be filled with people of compassion who want to help support them in their recovery.

Deputy Jennifer Murnane O’Connor: I wish the Minister of State well in his new role. These are very challenging times and the Minister of State has been in place for approximately eight weeks so, like us all, he has a lot to learn. I know from working with him previously that he will work extremely hard and this has to be the focus. We all have to realise we all have to play a part and do what we can.

All things have changed because of the coronavirus, even drug use. In June, the European Monitoring Centre for Drugs and Drug Addiction, EMCDDA, found an overall decline in some forms of drug use in Europe during the first three months of the pandemic. It suggested the stay at home orders, the closure of night-time economies and the disruption of the street drugs market, coupled with a global shortage of drugs, contributed to this but we cannot rely on the pandemic to solve drug problems. Despite the pandemic, drug-related deaths have continued to show an upward trend. We should be alarmed at the high level of addiction deaths and there have been calls to acknowledge it as a public health crisis. This is something I am concerned about and we cannot allow it to happen. We have to make sure we provide the best help and funding we can to make sure we do not end up with what looks like could be a crisis.

Throughout the country, service providers dealing with people suffering due to drug use or addiction face closure because of the lack of funding and increased demand. Local and regional

drug and alcohol task forces in communities need funding. The use of drugs is on the rise and people need to be educated about the links between drug use and long-term mental health issues. I firmly believe that education can open a lot of doors. I am a firm believer in going into our schools and educating. Educating people on what drugs can do to them is one of the most important steps the Minister of State can take. This is not only with regard to the people taking them but also their families. Many families who have come to my clinics have been affected by a loved one taking drugs. They feel there is no support for them. We need to look at the bigger picture. If we see greater investment in local task forces we can achieve change. At joint policing committee meetings throughout the country, time and again the drugs trade is cited as one of the most challenging problems in society and the committees ask for more resources. Has the onset of Covid damaged plans to fund this type of investment?

I am sure I am not alone in noticing an increase in antisocial behaviour in towns and villages. A lady who rang me yesterday was concerned about the people doing this. Sometimes we can see open drug dealing, and multiple daytime fights can be related. It seems to be on the rise. Families are scared. They are scared of Covid and scared that lawlessness will creep in. We know members of the Garda are working hard on the streets. It is about working together.

According to those dealing with this blight on our society, there are more and more drugs out there. In 2018, 55 new psychoactive substances were detected for the first time in Europe, bringing the total monitored by the EMCDDA to 730. Even with the downturn in use during lockdown, there is a sense that drugs are taking over again. We cannot allow this to happen.

As it is health and not criminal justice that will be at the core of the State's response to the possession of drugs for personal use, for better outcomes and better pathways to recovery, are we properly funding family resource centres and resourcing task forces to achieve better outcomes in our drug strategies? Local and regional drug and alcohol task forces play an essential role in communities throughout the country by providing a targeted response to emerging trends in drug and alcohol use but they cannot continue to do this good work if they are overstretched and underfunded. Their work very often extends beyond dealing with addiction and, in fact, deals with the antisocial behaviour of public drug use and drug litter also. They are under enormous pressure. The bottom line is that if their progress is to continue to make a meaningful difference to people's lives in our communities nationwide they must be supported financially.

Previous speakers have mentioned alcohol and substance recovery groups. This issue has been brought to my attention and it is very important. They are essential services. We always have to look after people who need help, whether through meetings or funding. There are many people who have come out of recovery and have done so well. It is important that we take on board everything that has been said during this debate and that we do our best to make sure we help everyone we can. Funding is key. If we can get funding into the areas where it is needed, we can do a lot of great work.

Deputy Eoin Ó Broin: I thank the Minister of State for his introductory statement. While I appreciate he is only a few short weeks in his job I want to highlight what is very clearly a gap between his description of the services and supports the Government is providing and the reality in many constituencies, urban and rural, throughout the State. As the Minister of State knows, I represent Dublin Mid-West and I am a former member of the Clondalkin drug and alcohol task force. Before speaking here today, I spoke to a number of managers of local drugs services and members of the task force. I want to reflect for the Minister of State what is happening on the ground at present in my constituency so he can consider it with regard to

his work. Like all drug and alcohol task forces, there has been no increase in funding since 2008. In fact, in my area the task force's catchment area has more than doubled to stretch beyond Clondalkin to include Lucan, Palmerstown, Newcastle and Rathcoole. The same level of funding for a larger catchment area effectively represents a cut and there has been no increase in core funding or staff funding.

We have also seen a knock-on effect from the very good work that has been done in the north inner city by local communities, the Garda and the HSE. This is a return to increased drug activity and drug sales in many parts of the suburbs, including in my constituency. This has also led to an increase in the involvement of minors in an ever-expanding drugs economy. I agree with earlier speakers that this is, in the first instance, a health issue but where we have the active grooming of minors to become involved in the drugs economy, it has to be made a criminal offence and those involved in such grooming need to be targeted. Crucially, of course, we need to see greater investment in health and youth services and diversionary activities.

We have also seen a significant impact on front-line drug and alcohol services as a result of Covid. For example, it has cost one project I spoke to today €8,000 to make its small premises Covid-compliant to enable it to continue to provide services. It has not got a single extra cent of funding from the HSE. A small amount of funding from the local authority and the local task force has covered some of that cost, but this is acting as a real impediment to it doing its work. There is also a real concern that because of the additional financial pressures on Government because of Covid-19, just as community and voluntary sector services were the first to suffer severe cuts after the recession in 2008, these vital front-line services, which are providing such important supports to those in addiction, those recovering from addiction and their families, may suffer cuts in the short to medium term. I would be very interested to hear the Minister of State's view today or in the future as to whether that is the case.

While I appreciate that this is not within the Minister of State's remit, we have a real problem with the under-resourcing of the Garda. We have a single Garda division dealing with drugs for all of my constituency, in Clondalkin and Ballyfermot, and that is simply nowhere close to enough. We also have an under-resourcing of community gardaí and the diversionary services.

The Minister of State is welcome to come to my constituency anytime and meet the workers and communities on the front line. They will give him a very different picture from the one he has pointed to today. If he comes to my constituency and listens to the people who know what is really happening on the streets, it will better inform him to ensure he does the best possible job by our communities and front-line services in tackling the issues of alcohol and drug misuse into the future.

Deputy Gary Gannon: Does the Minister of State remember his first truly political engagement? When I was walking today through the north inner city to get down here, I was reminiscing upon mine. It was about 2008, I was in first year in university and I was taking an interest in my community for the first time. I went to an incredible community leader named Fergus McCabe to tell him I would like to get more involved. He suggested I go on the North Inner City Drugs and Alcohol Task Force. A great guy, he was a big help to me along the way. I went on to the task force in 2008 as a community representative. I sat around the table with the project workers, representatives from the HSE and politicians. The issues that were coming up in 2008 were an inability to access funds, a lack of recovery beds and a poor understanding of the connection between mental health, by which I mean trauma-informed mental ill health, and the reasons people get involved in addiction. Twelve years later, when I call around to the

various drugs projects and talk to people involved in trying to hold back what is an epidemic that has been ongoing in my constituency and constituencies such as mine for the past 40 years, those are the exact same problems that are happening now, 12 years on from when I was on that drugs task force and probably 40 years on from when drugs first penetrated the north inner city, around the corner from here. The definition of insanity is doing the same thing over and over again and expecting different results, yet here we are today talking about the same strategies that have failed. There is a lot in the national drugs strategy that is empathetic and meritorious, but three years into it what has really changed? What has changed for the service provider or the user? The issues are exactly the same.

I listened to the Minister of State's speech on public health and the national drugs strategy for 15 minutes. I cannot comprehend how a Minister of State with responsibility for these issues, in a statement lasting 15 minutes, did not mention the words "trauma" or "poverty". If we step away from those two issues and take them away from our understanding of the reasons people engage in this, we are doing those people a disservice, one that has been replicated for 40 years. The Minister of State talked about Healthy Ireland in his initial address. If he walks down the canal and talks to the poor people in the throes of addiction about Healthy Ireland, he might as well be speaking a different language. Those people have been impacted by trauma and that is what has them engaged in poisoning themselves in the manner in which other people have poisoned themselves in my constituency and constituencies such as mine for the past 40 years. Unless we address that in a real, practical, scientific, evidence-based, rational way that steps away from moralising, we will be back here again in 12 years' time talking about the exact same things. I want the Minister of State to do well - I really do - and I want to help him do well, but I will not sit here while we replicate the mistakes of the past and that is all that seems to be happening here.

What is the strategy? Is it once again to continue with this strange war on drugs? That will fail consistently. It always has and always will. Should we talk about another type of attrition that seems to happen whereby we falsely believe that if we can help enough people to recover, they will offset the fact that there is a conveyor belt of other people coming through? The Minister of State knows we are lying to ourselves about that. We do not have enough recovery beds for that policy to be successful. In addition, there is any number of people out there willing to engage in this destructive form of self-harm because the alternative is to live in trauma. If we do not address that, we are doing an incredible disservice to those people.

There is evidence of how we can stop people getting involved in this pursuit. There are models of prevention that work elsewhere. The fact that we are not yet adopting here in Ireland Portugal's model of decriminalisation and "healthcare first" is shocking. There is also the Icelandic model. Twenty years ago Iceland too had a problem with its young people getting engaged in drug addiction. Iceland responded by investing in opportunity for its young people. It provided them access to sport, culture and music. It has not only drastically reduced the number of its young people engaged in negative drug-taking behaviour, but also had offshoots of that in being successful in sport and culture, more than holding its own for a little nation. There is absolutely no reason we cannot do that, with the exception of one big reason: the moralising and the fear to embrace the fact that what we have been doing for 40 years is wrong. Until we address and accept that, until we accept the fact that it is wrong to criminalise a person who injects himself or herself with a poison or takes a poison because he or she is dealing with trauma, and until we step away from that, we will just keep replicating those mistakes. We are complicit in that, as is the State.

Generations of successive Ministers who have engaged with this issue have failed to a certain degree and until we accept the science and the reality we will continue failing. I want to help the Minister of State, but let us do this in a rational way. Let us learn from the mistakes of the past. Let us talk to the leaders in these communities. Let them devise the plan and let us invest in it. It will be costly but will be paid back twentyfold.

Deputy Emer Higgins: I thank the Minister of State for confirming that AA meetings are now being permitted under social restrictions. I raised this issue with the Minister, Deputy Donnelly, on behalf of Councillor Kenneth Egan, who is an advocate and a champion for those in recovery.

A dangerous new trend is emerging in my constituency. Parents are contacting me about their children using edible cannabis, a trend identified to me by the Clondalkin Drugs Task Force. Avoiding the foul taste of tobacco, young people are attracted to gummy bears and chocolate laced with cannabis. This is problematic for a number of reasons. First, the sugary taste of sweets and chocolates is clearly more attractive to children, who may never experiment with cannabis if they were forced to smoke it. Second, it takes far longer for people to feel the impact of cannabis when eating it. While the impact of smoking it is immediate, the impact of eating it is not felt for up to an hour. Teenagers may eat a square of chocolate laced with cannabis, feel no impact and then eat the rest of the chocolate bar. As a result, they may accidentally overconsume dangerous amounts of drugs and by the time the effects are felt the teenager is in it over his or her head. What is really terrifying is that there is no antidote to overconsumption of cannabis. Teenagers are forced to wait for the cannabis to clear through their system. The effects of edible cannabis last far longer, as long as 12 hours, than smoked cannabis. If the cannabis triggers psychosis or hallucinations, that leads to hell for the teenager. This is why edible cannabis puts a disproportionate number of people in hospital. A study in Colorado shows that edible cannabis makes up only 1% of cannabis sales there but makes up 11% of cannabis-related hospital admissions. That is worth reflecting on. Eating cannabis makes a person ten times more likely to end up in hospital than smoking it. Of the three cannabis-related deaths in Colorado, all were as a result of edible cannabis. While nobody died from overdosing on the cannabis itself, there was a suicide, a death as a result of a fall and a death as a result of a murder where the defendant claimed the cannabis made him do it. Already, cannabis use among teenagers has almost doubled in the past few years. Almost one in five Irish 16 year olds are now using cannabis. The emergence of tasty, sugary sweets laced with cannabis will only further increase its use amongst teenagers. Let me be clear on why we need to act now on edible cannabis: in American states where cannabis is legal, edibles account for 11% of the market. We do not want that happening here. We already know that one in six people who start taking cannabis as children become dependent on it and heavy use of cannabis increases the risk of youth suicide threefold. The risk of developing a psychotic illness such as schizophrenia is especially high amongst those who start using cannabis as teenagers. Heavy use of it as teenagers can lead to a drop of six points in IQ. I welcome the Government's commitment to move towards a health-led approach to tackling drugs. In particular, I welcome the fact that one of the Government's five strategic goals is to minimise the harm caused by the use and misuse of substances. Will the Minister of State consider raising awareness of the dangers of edible cannabis among young people to minimise the harm that cannabis is causing in our society?

I know the Minister of State has acted quickly to instruct his Department to gather evidence about the new trend of nitrous oxide. I thank him for everything he has done to shine a light on this issue. I am pleased to report a reduction in evidence of nitrous oxide, in terms of the

prevalence of discarded canisters in my local parks. I would like to hear the Minister outline when his Department expects to have gathered evidence, as he has asked them to do, and what the next steps will be.

Deputy Maurice Quinlivan: I wish the Minister of State the best of luck in his new role. Unfortunately, as I also said to the previous occupant of the position, I do not think he will be successful because he is not allocating the proper funding that is needed. The previous Minister of State went out to a huge number of communities. She was in my community of Limerick for a while and met a huge number of groups. Unfortunately, I do not think any of the knowledge or information she sourced from talking to people ended up in the Minister of State's speech today. It is very disappointing. I wonder who wrote the speech. If the Minister goes on that track, we will be here this time next year again talking about the exact same thing with no progress.

I request that we have a discussion on the national drug strategy more than once a year. I have contributed to every one of them since I was elected in 2016. I am a member of the Mid-West Regional Drugs and Alcohol Forum in Limerick and have been for about ten years. I have never seen the level of drug addiction and misuse in Limerick that I have seen in the last while. Covid has exposed it to a lot of people who were not aware of what was going on in their local communities. It became very visible when people were not on the streets. There is a large number of groups in Limerick doing great jobs. Ana Liffey has been on the streets through Covid. The Northstar Family Support Project is doing a really good job in difficult situations. I spoke to many people involved in a number of services over the last number of days because I told them I would be speaking here today. The biggest issue is that in 2008 and 2009 funding was cut to the regional drugs and alcohol forum by over 50%. That has not been reinstated. There were a few announcements last year of additional funding of €1 million for all the task forces and when it was divided up between the number of task forces and people had gone through the hoops and loops to apply for the funding, it did not reach down or make any difference on the ground.

We have a crisis in my city with crack cocaine and a huge increase in the use of cocaine itself. Gardaí will confirm that. They are doing a good job but they are totally under-resourced. We have criminals selling drugs 24-7 openly. There is drug paraphernalia across the streets. There has never been anything like it. I have never seen as much drug use. Consumption is very visible and people see it. It seems that no Government cares about the drugs issue. It is at the bottom of the list and is the last thing to be looked at. We see that in the programme for Government. I do not see any commitment in there to increase the funding to regional drug and alcohol forums. We are not just a forum. We fund a lot of groups across the mid-west region, in Limerick city, north Tipperary and Clare. There are heroin problems in Roscrea, County Tipperary, and Kilrush, County Clare. The groups we support do the best they can. The previous Minister of State sat down and listened to them but it is not reflected in what we heard on the Dáil floor this afternoon. I am deeply concerned if that is the way the Minister of State is starting off. I ask the Minister of State not to go that way and to look at the statistics and talk to people on the ground in the drugs task forces. We are the ones who deal with people on a daily basis. There is a bit of a bubble in the Ministry and the Minister of State needs to look at it. Otherwise, we will be here with no outcomes, success or progress.

My heart goes out to the communities. They have seen a huge increase in drug addiction and drug problems and no resources to deal with it. It is not fair.

Deputy Gino Kenny: I wish the Minister of State well and hope he will be progressive and

bold in his job in the next years. The Government needs to be bold because this is like Groundhog Day. We are talking about things we talked about two or three years ago in this Chamber. People have been talking about this issue for decades. It is welcome that we are talking about a health-led approach rather than a criminal justice approach, which simply does not work. Last year's alternative approaches to possession of drugs for personal use were welcome but they did not go far enough. I understand the sentiment of that report will be sent to the Citizens' Assembly. I have a problem with this because we are legislators. Last February, 160 of us were elected by the people of Ireland to legislate. The Citizens' Assembly does good work but we are here to make laws.

The current system simply does not work. Bringing people through the courts for possession of small amounts drugs is a waste of time. Bringing somebody through the criminal justice system for €50 or €100 worth of cannabis is a waste of police time, the State's time and everybody's time. There needs to be a health-led approach. The benchmark is Portugal. In 2001, it embarked on the decriminalisation road. It is a difficult road to go down. Drug use and abuse is difficult, as I have seen in my own community. Drugs can take over a community and they take over people's lives. It is extremely difficult to deal with in the community and on a personal level. That is compounded by the class nature of society and by austerity and cutbacks to youth services. International evidence and research shows that if there is investment in people and in communities there will be less people turning to drugs. Why would people turn to heroin in the first place? It is the most horrible drug in the world. However, people are desperate sometimes. In situations of alienation, they turn to that because of the class nature of society. That is not abstract. Across the world, heroin gets into communities. Heroin is the devil that attracts poor and marginalised communities. That is where it manifests itself. There is an alternative economy in society. It is hugely lucrative and violent. In the last ten to 15 years, the violence attributed to drug use and the drug market is ever more violent because it is so lucrative that it is impossible to put down, even if there were 20,000 gardaí on the street. Once people want a substance, they will get it. Once there is a market for it and a demand, people will use it. We have to be grown up about this conversation.

People will use and abuse drugs. Those people are from every part of society. Our heads are in the sand if we keep bringing people through the criminal justice system and locking them up. It is simply a waste of time. We have to be bold and take a different approach to addiction and to why people turn to addiction. If I am still around in ten or 15 years' time, we will still be talking about this issue of the cruelty of bringing people who suffer from addiction through the criminal justice system.

5 o'clock

We have to adopt a new approach which is nuanced. There has to be an approach of legalising certain drugs and decriminalising the person as opposed to the drugs themselves, which will be a different argument. As I said, international evidence across the board shows that when there is a health-led approach, there are better outcomes because this issue comes down to saving lives. If lives can be saved by taking people out of the criminal justice system, then we will be on the right road. It will not be easy by any means. It is extremely difficult in circumstances of drug addiction and abuse. The approach from the previous Governments has been a failure. We should be honest about that. What is happening is like Groundhog Day, so we have to adopt a different approach. That approach should be similar to some of those I have just outlined.

Deputy Ruairí Ó Murchú: I welcome the fact that the programme for Government mentions convening the Citizens' Assembly to look at the overall problem we, as a society, have with illegal narcotics and the drug debt, intimidation, violence and criminality associated with

them. There is also the impact addiction has on communities and families and a lack of services. Regional task forces that are operating on the basis of the same funding levels as obtained in 2007 have already been mentioned. We are now in a different economic and health situation but we went through a period when there was a cocaine boom and when, then years ago or earlier, organisations were still operating with limited funding that did not wash its face. This will not suffice or work.

I have pointed out to the Minister and the Minister of State a problem we have, namely, that we do not have somebody sitting at Cabinet who is responsible for the overall problem of drugs. We know that a multi-agency response is required. This matter requires action in the areas of health, justice, education, children and, possibly, others. We are failing on this issue. I wish the Minister of State well but I am not particularly hopeful on the basis of his contribution.

I accept that there are good things in the Healthy Ireland initiative and other such initiatives but these will not deal with the level of criminality that obtains. We need to look at novel approaches and it has always been said to me by a number of experts that Ireland is small. The Citizens' Assembly will examine what we can do on either a 26 or a 32-county basis. In the context of the latter, I accept that there are difficulties regarding Brexit and what I would term perfidious Albion. We also need to look at the Portuguese model and other models for solutions. We also need to look, on a Europe-wide basis, for a solution to this problem because it is far too big. If we go back to the Government before last, the Minister of State's predecessor, Catherine Byrne, admitted, at a meeting with Gerry Adams and me, that until someone responsible for the issue was sitting at Cabinet and could call the shots on funding, nothing would happen.

I have been like a broken record talking about the amount of times the Garda is arresting people who are involved in petty crime, probably to pay off drug debts. Neither the Garda nor anyone else is able to access the services that are required in those scenarios. Therefore, the Garda does the people involved and puts them through the system. They get released and then it happens all over again. It is a waste of everybody's time and we do not get anywhere. We need a Department of Justice and Equality and a Garda response. I understand that this does not fall within the remit of the Minister of State but therein lies the problem I raised earlier. We cannot allow the drug debt intimidation that is impacting on a huge number of families and communities to continue. The number of young people who are being groomed and put into drug operations has already been mentioned. This happens because we have a youth justice system that is not fit for purpose. All of this needs to be considered and we need the Minister of State, alongside other Ministers, to step up to the plate and do what is necessary because we are failing the people out there.

Deputy Peadar Tóibín: I wish the Minister of State well in his role. It is not an easy role but it is a vital one. It is also important to say that he should grab this opportunity and treat it like the opportunity of a lifetime. His actions could radically alter the lives of hundreds and thousands of people in towns and villages throughout the country.

Drugs are affecting nearly every walk of life. People's brothers, relations, work colleagues, etc., are all being affected by drugs and drugs are affecting every part of Ireland. Inner cities are being affected, as are towns and villages. When I am out canvassing and doing my constituency work, even in the smallest villages where there is only one street with a couple of shops, there are people involved in the taking and selling of drugs in broad daylight. It is incredible how widespread and serious the drug crisis has become in Ireland. In an 11-year period up until 2016, some 697 people died as a result of drug use. That is the population of a town similar to

Ballinasloe being deleted in the space of ten years as a result of drugs. Half of those in that age group are under 40 and some 75% of the people who are dying from drug use are male.

It is the fact that it is happening in broad daylight that is having such a societal effect. In my home town - and I do not take any pride in saying this - drug dealers and users come in on the buses, deal in the market square, take drugs in the nooks and crannies of that square or go to the local parks in daylight and take drugs there. During one morning sitting in my constituency office, I looked out the window and saw two men involved in a drug deal. Two elderly women were walking past on the way to 10 a.m. mass in the town. It was like two parts of Ireland passing each other at the same time.

The trouble is that there is little response from this Government to this issue. There is a half-hearted policing response and then there is some level of service response and the funding that has gone into that service response has fallen in recent years. If one ever wants to know what the priorities of Government are or get behind the words it uses in order to find out how it really feels about a particular issue, one need only look at the bottom line and the funding allocated. The funding in this area fell dramatically. In my county of Meath, we have no teen rehabilitation beds and no detox services for young people. If one of those kids who is doing the deals in the centre of the town wanted to make a decision to come off the drugs, if he or she could get his or her head focused and oriented in that direction, he or she has no choice of services to help do that. The Government has told those people it will not help them in this situation. We had a wonderful organisation called the Aisling Group, which operated out of Meath and throughout the country. Due to the lack of funding, it was forced to close. We need compassion and understanding when we are dealing with the issue of drugs. However, compassion and understanding must be backed up with adequate funding resources and dedication from the State. We need to translate those words into actions.

On policing, we need a health response to the issue of drugs but we also need a justice response because many criminals are making huge amounts of money. Meath has the lowest number of gardaí *per capita* in the country, and that has been the case for several years. As a result, it is possible to go 30 or 40 miles through parts of the county on a Sunday morning and it is almost certain that only three or four, or possibly five, gardaí will be available. If two of them are called out to an arrest, there will be hardly enough remaining to answer the phone, let alone go out and deal with the crimes to which I refer. I wish the Minister of State well, but we really need to get to grips with funding in this area.

I will touch on two other related areas. The Government's national drugs strategy commits it to "Build capacity within drug and alcohol services to develop a patient safety approach in line with the HIQA National Standards for Safer Better Healthcare". I am referring to standardised services. This, however, is an incredible situation, because, right now, myself and the Acting Chairman, Deputy Durkan, could decide to set up a residential drug rehabilitation centre. We could deliver any service that we want to those individuals who come to us, and the State will take no interest and provide no oversight or guidelines.

The Church of Scientology has set up a residential drug rehabilitation centre, Narconon, in Ballivor in County Meath. The HSE has stated that there is no scientific proof for the efficacy of the services being delivered at this centre. I asked if representatives from HIQA will be sent in to see if the individuals in the rehabilitation centre are okay. We must remember that these are people who are addicted to drugs and many of them will also have psychiatric difficulties. However, HIQA will not send in representatives to see what is happening. I was told that it does

not have a responsibility in this area and neither does the HSE. I have spoken to the Minister about this issue. We must ensure that there is some level of oversight in drug rehabilitation residential centres.

Communication also needs to be working. In May this year, Aontú submitted an information request to the Department of Children and Youth Affairs regarding the level of engagement it had with organisations like Cluain Mhuire Centre for Living, the Rutland Centre, Merchants Quay Ireland, the Ana Liffey Drug Project, Jigsaw etc. during the Covid-19 crisis. The Department responded by stating that it had not engaged in any correspondence with these organisations during the pandemic. I hope the Minister of State agrees that this is unacceptable. We do not want to be looking at another lockdown anywhere else in the country. We must ensure that we can live with this shocking illness, but we also need to ensure that key services for those in trouble, such as drug rehabilitation services, are working hand in glove with the Government.

Acting Chairman (Deputy Bernard J. Durkan): The next speaking slot is for the Government parties. Would a Deputy from the Government parties like to contribute? It appears not, so we move to the speaking slot for the Rural Independent Group. I call Deputy Michael Collins. Is the Deputy sharing time?

Deputy Michael Collins: No, I am on my own.

Acting Chairman (Deputy Bernard J. Durkan): The Deputy is taking all the time himself.

Deputy Michael Collins: I am. Is the Minister of State aware of the closure yesterday, out of the blue, of the Cara Lodge Residential Treatment Centre, run by the Matt Talbot Adolescent Services in Ahiohill in Clonakilty in west Cork? This was a free residential centre with a programme for 14 to 18-year-old males with substance misuse issues. The centre had a capacity for six young people and they could remain there for up to 12 weeks. It was an ideal setting in a tranquil part of west Cork. It gave those young people the space they needed to make decisions, aided and assisted by professional staff who, in so many cases, cared for them until they regained their full health. Many past residents of the centre have acknowledged that they would not be here today except for this centre in Ahiohill in west Cork.

I was informed today by loyal staff in west Cork of the shocking way in which they were told of the closure. One minute they were heading to get further training yesterday morning and the next they were stopped and told that it was all over and that they should go home. Some of those staff have given up to 20 years loyal service in this centre. They are highly trained and delivered a structured and diverse treatment programme. The closure of this centre and the loss of 19 jobs in west Cork is a major blow to places such as Clonakilty, Bandon, Ballinascarty, Ahiohill, Enniskeane, Ballineen and beyond. The loss of 19 jobs in west Cork is similar to the loss of 150 jobs in Dublin. It appears that these staff are being very shoddily treated as well, with just statutory redundancy being provided.

We have two problems. Young people desperately need such a centre and the staff desperately need their jobs. Did the HSE have a role in what happened? I cannot answer that question. There were supposed to have been reports, but they are not being published. We need reports to be published immediately. This building in Ahiohill was kindly donated to a Christian Brother, Brother Rock, several years ago and he subsequently passed it on. The public surely has the right to ask the board what the plan is for this building. More importantly, however, will

the Minister of State intervene in this situation and meet with the board, and let us do all that we can in west Cork to save this vital service and save these jobs?

While I have the floor, I will comment on the necessity of examining the issue of medicinal cannabis licences. Deputy Gino Kenny is a far better expert in discussing this matter than I am. The Deputy has done Trojan work in the area over the years. The successful use of medicinal cannabis has been well documented by Vera Twomey. She has not only championed the cause of her daughter, Ava, but has also been a champion for tens of thousands of other people suffering with severe pain. The worry for those very few who have access to medicinal cannabis from the Netherlands is that the licence is being deemed temporary. That is an extremely worrying word for those patients who desperately require this life-saving product.

I ask the Minister of State to intervene and make this licence permanent for those already covered by it. People could then get back to their normal lives and would not have to worry about access to this product being stopped. Addressing this situation should not stop there, however. The Minister of State could go one step further. Thousands of people in pain need medicinal cannabis, and it is being denied to them. The previous Government did everything in its power to deny access to desperately ill people. Only for people like Vera Twomey, no one would have access to medicinal cannabis in Ireland. However, no mother should be made to walk hundreds of miles, sleep outside the Dáil, or be forced to travel the length and breadth of our country to fight for a medicine that should be freely available, in the same way as any other medicine in any pharmacy. The Minister of State is new to his role and we will know in the months to come if he can be different to his predecessors, who have failed miserably on this issue. I ask that this matter be placed at the top of the Minister of State's agenda.

This debate is about public health, and I do not want to let the opportunity pass without speaking about Bantry General Hospital. I mentioned the issue of a full-time anaesthesiologist in that hospital several times to the Minister for Health, Deputy Donnelly, and to his predecessor, Deputy Harris. It is a vitally important position. In the last six months, we have been told that an increasing number of people who have a fall on the Beara, Mizen, and Sheepshead peninsulas, as well as in surrounding areas such as Bantry and Skibbereen, have been told by the National Ambulance Service that they must go to Cork University Hospital. This is outrageous and cannot continue. We need to know if a full-time anaesthesiologist is being appointed to Bantry General Hospital.

In my final few seconds, I must take issue with what Deputy Ó Ríordáin said earlier. He referred to so much time being spent on talking about pubs and drinking. We put forward a motion, in the same way that his party could have put forward a motion, against the statutory instrument signed last week by the Minister for Health. The leader of the Labour Party said it was bonkers. Deputy Ó Ríordáin was critical of the time we spent discussing the issue. Another Deputy from his party discussed the issue here yesterday and spent time praising public houses. Deputy Ó Ríordáin can certainly put forward Bills against drug use if he wants to and if he is strong enough within his own party - maybe he is not - to do so. He should not, however, criticise others who have democracy on their side and who have good intentions in trying to open public houses to try and get our country back up and running again.

Acting Chairman (Deputy Bernard J. Durkan): Our next speaker is from the independent Independent Group. I call Deputy Joan Collins.

Deputy Joan Collins: I also support the Minister of State in his new position. Many people

10 September 2020

involved with the drugs and alcohol task forces will be watching closely to see how he will deal with his brief. I am a political representative on the Canal Communities local drugs and alcohol task force and it welcomes and looks forward to working with him.

During the previous term, I put down a Private Members' motion representing the CityWide position on the national drug strategy and task forces. The then Minister for State said that she would be prepared to go into committee and discuss those matters in more detail because there was support for them in the House as a result of the review. However, that did not happen before the election came. CityWide sent an email just after the general election which contained a drugs crisis campaign briefing document for Deputies of the 33rd Dáil. That document outlines six actions to tackle Ireland's drug problems and encourages a whole-of-Government response, for which CityWide has always been calling. CityWide hoped that a Minister of State with responsibility for drugs would be appointed, which has happened. It had also hoped that the Minister of State would have a seat at the Cabinet table, as has happened in the past. The organisation feels that an all-party and all-Cabinet approach must be taken to drug strategy.

In the email to which I refer, CityWide raised the need for strong co-ordination and co-operation in delivering the national drug strategy actions, involving 17 different Departments, agencies and sectors, and to ensure accountability across all sectors. It also suggested that the Department of the Taoiseach needs to have high-level representation on the national drug strategy committees. That was the first point.

The second point in the CityWide drugs campaign is that budgets need to be restored to community drug projects. The point has been made many times that there has been no increase in the budgets for drug task forces since 2008 and no restoration happened whatsoever. It has been particularly difficult during the pandemic. One of the arms of the Canal Communities national drugs strategy task force saw what was happening on the ground and contacted the HSE to request that a unit be brought to Dolphin House so that people could be tested for Covid-19. That is a positive initiative because those people have their ears to and eyes on the ground in communities, see what is happening and are able to respond to it quickly.

The CityWide campaign also calls for support for local and regional drug task forces to meet the need on the ground. It encourages support for strong, proactive community representation on task forces and suggests that statutory engagement is made obligatory for Departments and agencies. CityWide also suggests making a concerted effort to respond to drug-related intimidation. We know that is happening throughout the country.

The campaign also recommends that an oversight group is set up to engage with all relevant partners to monitor the implementation of the health regulation approach. It further recommends community participation and calls for immediate investment in a new community development initiative to support community participation on drugs issues.

Those are the main points that CityWide is putting forward. I do not know if the Minister of State has met representatives from CityWide. I hope he has, although I know he has only been in the job for eight weeks. If he has not done that yet, it would be good if he made linking in with the community via CityWide a priority. The Minister of State might indicate if he has been in touch with them or whether he will meet them. I talked to those CityWide representatives before my contribution today. One of the first questions that the Canal Communities task force wanted to ask was what is the Minister of State's vision for the task forces and community national drug strategy? What is his opinion on the review that is taking place?

Senator Ruane is the co-ordinator of the Canal Communities drugs and alcohol task force. I know she has met with the Minister of State and talked about some of the issues on the ground. I hope I will also have the opportunity to meet the Minister of State.

There is another important issue. As the Minister of State already mentioned, his brief includes public health and housing. On Tuesday morning, at a meeting of the strategic policy committee for housing, Brendan Kenny of Dublin City Council announced that there is a shortage of 300 beds for homeless people as we come into the winter. That is extremely dangerous for the people concerned, and I hope the Minister of State will be able to intervene to assist councils and the Dublin Region Homeless Executive to find 300 beds. We cannot have a situation in which homeless people, some of whom have serious drug addictions, are unable to access emergency accommodation during a pandemic and winter. I ask the Minister of State to respond to that.

Minister of State at the Department of Health (Deputy Frankie Feighan): Do I have a certain amount of time?

Acting Chairman (Deputy Bernard J. Durkan): Ten minutes.

Deputy Frankie Feighan: How many minutes? Do I have ten or 15 minutes?

Acting Chairman (Deputy Bernard J. Durkan): We will start with ten minutes and if the Minister of State is doing well, we might give him points. We will see.

Deputy Frankie Feighan: I thank the Deputies for their contributions to this discussion on public health and the national drug strategy. I have noted many of the points that have been raised and will consider them and their implementation as part of my brief in the coming months. I will also try to reply to Deputies who have raised specific questions, if I can. I have many policies that I want to outline but I will not be able to do so in the time allowed. I want to answer a lot of the queries that have been asked and speak to the advice that many of my colleagues have offered in their responses.

I thank Deputy Gould for his advice. He talked about dealing with people in recovery. He received clarification on the matter and I got official clarification from my Department on 4 September. In the meantime, any information sent out to Deputies who asked parliamentary questions was the applicable information at the time. No information was sent out to mislead anybody. I can only say that I am delighted that those vulnerable groups are now able to meet because the recommendations regarding limiting meetings to fewer than six people does not pertain to them. However, those people are vulnerable because of underlying health issues and any meetings should be approached with the guidelines from NPHEAT about social distancing in mind. NPHEAT, not Ministers, provides the advice to the Government. The relevant official advice became available on 4 September. There might be other channels of communication but that is the official advice.

Deputy O'Reilly discussed the Keltai situation and the prospect of its reopening. I understand that a review has been commissioned by the HSE and a date for reopening will be confirmed when that review is completed. The facility is now being used for self-isolation for homeless people and vulnerable groups. I will respond to her as quickly as possible. She also mentioned nitrous oxide and I must put up my hands and admit that I was not aware of the incidence of the use of nitrous oxide, or laughing gas, two months ago. Since then, I asked my officials to do a survey and get the information back to us as quickly as possible. I am delighted

10 September 2020

that Senator Higgins has raised this important issue. We can only use an evidence-based approach and that is what we have done. When I have a date for the reopening of the facility the Deputy mentioned, I will come back to her as quickly as possible.

Deputy Ó Ríordáin talked about a health-led approach. He is right that we need to take a much more compassionate approach to people who use drugs and their recovery. We have talked about legalisation. The Deputy also referred to alcohol. We have had a love affair with alcohol, which is also a drug. The Deputy also called for the convening of the Citizens' Assembly to consider the issue of drugs. That is a matter for the Department of the Taoiseach. I have already written twice to that Department to seek an update on its plans for the Citizens' Assembly in this regard.

Deputy Murnane O'Connor talked about the local task force and antisocial behaviour. Funding for local task forces is vital. Sometimes we think these task forces only deal with drugs. They are drug and alcohol task forces. While the situation in major cities is difficult, given heroin, cocaine, cannabis and opioid use, they are drug and alcohol task forces.

I was in the north west and 70% of the people using the task force resources there were doing so because of alcohol. I am sure that the figure for drugs in Dublin is probably 80%. We have to be cognisant of the fact that there are two different operations.

I refer to Deputy Eoin Ó Broin's contribution. He mentioned minors. He is absolutely right. It is part of the programme for Government that legislation would be introduced to deal with the coercion of minors into the supply and sale of drugs. I hope that such legislation is brought in. It is a very pertinent argument. He, like many other Deputies, invited me to meet local task forces. I am only too delighted to do that if I can be of any help. It would inform me, my Department and officials. I ask Deputy Joan Collins and any other Deputies who wish to do so to please write to me. We have visited a few already.

Deputy Gannon talked about doing the same thing over and over again. I can feel his frustration 12 years on from his involvement in a local drugs task force and the trauma and poverty involved. He referred to Portugal. Ireland is not the same as Portugal. We examined the regime in Portugal but it does not have the same legal system as Ireland. We have decided on a health diversion approach, which is in the national drug strategy and is the template we are using.

I attended a very sad event in St. Michan's Church in Halston Street. Deputy Gannon was there. It brought home to me the scourge of what has happened in Dublin and many other cities and what is now happening around the country. All of the names of the young men and women who died from overdoses in the past ten to 15 years were read out. It would bring a tear to one's eye. I thank those who organised the event for the invitation, which brought home to me an issue that has ruined communities and families. The service was poignant.

Deputy Higgins talked about sweets laced with cannabis and the fact that people are ten times more likely to end up in hospital. It is an issue of which we need to be aware. Deputies Quinlivan and Gino Kenny talked about the criminal justice system and the possession of drugs, as well as alternatives. They highlighted the fact that heroin is in rural areas.

Deputy Tóibín talked about 697 people who died and the drug situation in Ballivor. He said he is not too sure about the centre. Perhaps we could investigate the situation regarding Scientology.

Deputy Michael Collins talked about the closure of Cara Lodge in west Cork. We will investigate it. Deputy Joan Collins mentioned the CityWide campaign. We had discussions with it and were delighted to have an informed conversation with Deputy Ó Ríordáin and Senator Ruane. It was helpful. I look forward to meeting each and every Deputy for a cup of coffee. I am happy to listen to any groups they want to bring in. There are a lot of issues we have to deal with.

I am looking forward to bringing in minimum unit pricing in respect of alcohol. We await the report and review from Northern Ireland. Perhaps the two constituencies could move together. One aspect of minimum unit pricing I have just found out about is that when it was introduced in Glasgow, the preliminary findings were that there was a reduction of 8% in the amount of alcohol purchased per household and a decrease of 21% in the number of deaths related to alcohol. People have said I did not give enough attention to my drugs policy. I am dealing with health, well-being and public health.

I thank the Acting Chairman for his indulgence. I look forward to working with all stakeholders to do the best we can. All I can do is be the best I can. I need each and every stakeholder, Deputy, Senator and official in my Department to help us tackle this very difficult problem.

Saincheisteanna Tráthúla - Topical Issue Debate

Wastewater Treatment

Deputy Pádraig O'Sullivan: I realise the Minister of State will not have much of the detail I require in his response to me in respect of Irish Water, which is the competent authority in regard to the issue I am about to raise. I still believe this issue needs to get a hearing today. The issues raised in regard to Carrigrenan wastewater treatment plant and Belgooly in west Cork which my colleague, Deputy Christopher O'Sullivan, recently highlighted, are examples of a systemic failure in the ability of Irish Water to manage wastewater facilities in this country.

By way of background, Irish Water subcontracted the operation of the Carrigrenan wastewater treatment plant to a company called Northumbrian Water Projects, which is responsible for the running of the facility. The difficulties I, as a public representative, and the people who work and live adjacent to the plant have are the recurring issues with odour and noise, in particular foul odours. When the €40 million plant was built in 2005, people were promised they would not even notice that the plant was there and that it would not be an inconvenience. Nothing could be further from the truth.

Since 2014, when I was elected as a county councillor, I have consistently raised the issues at the plant and have regularly logged numerous complaints, including my own, as advised by the Environmental Protection Agency, EPA, and the local authority at the time. A number of local people have also done the same. After I requested that the EPA carry out an on-site odour survey last week, it detected issues around and on the site. It called into the plant where it also detected issues.

On foot of this incident, I requested that Irish Water supply me, as it is mandated to do in its

10 September 2020

licence, with the number and nature of the complaints it receives annually. Three weeks later, I have yet to receive a response from Irish Water. Thankfully, the EPA has given me its records. Those records, which were supplied to it by Irish Water, indicated that there were no odour complaints in 2018, 2019 or 2020 and only one noise complaint in 2019.

As I mentioned at the outset, I have submitted a number of complaints over the past few years and these obviously have not been recorded by Irish Water as it is statutorily mandated to do. Irish Water is, in this regard, conveying a complete disregard for me and the people affected by the plant. The bigger issue I have is that if Irish Water is not logging complaints correctly as it is meant to do, and as in the case of Carrigrennan in Little Island and the same has proved to be correct in the case of Belgooly in west Cork, in how many other areas around the country is this requirement being flouted? It is very disheartening. Carrigrennan wastewater treatment plant is one of the largest in the country. All of the development proposed for the north side of Cork city in the next few years, all the housing, industry and commercial activity, is all contingent on the smooth running of that facility. That facility has been operating in breach of its nitrate emissions since 2015, under its EPA licence, and yet nothing has been done.

Irish Water is showing a complete disregard for both public representatives and local people. It is not handling complaints about noise and odour correctly, as it is mandated to do. Is Irish Water the competent authority to be governing these wastewater treatment plants? It is showing that it is incapable of doing so. Should another competent authority step in and do that job in light of what we are seeing here from Irish Water?

Minister of State at the Department of Housing, Planning and Local Government (Deputy Malcolm Noonan): I thank Deputy Pádraig O’Sullivan for raising this matter and the issue of Belgooly. It certainly is a concern locally but a concern to us all nationally also. The Deputy will appreciate that the operation of Carrigrennan wastewater treatment plant is a matter for Irish Water. In turn, the Environmental Protection Agency, EPA, as the environmental regulator, is responsible for setting quality standards and enforcing compliance with EU directives and national regulations for wastewater discharges.

Since 1 January 2014, Irish Water has statutory responsibility for all aspects of water services planning, delivery and operation at national, regional and local levels. Irish Water’s primary function is to provide clean safe drinking water to customers and to collect, treat and return wastewater safely back to the environment, including the wastewater treatment plant raised by the Deputy today.

However, from inquiries which my Department has made with Irish Water I understand complaints about odour at Carrigrennan wastewater treatment plant are being investigated. I understand Irish Water has committed to putting in place some additional works, including optimisation of the odour management system, to address the issue. While there have been complaints about noise in the past, I understand that there have been no complaints regarding noise in recent months. I also understand, separately, that the Carrigrennan wastewater treatment plant is not currently compliant with the EPA discharge authorisation on the total amount of nitrogen emitted to the environment. This is unconnected to any noise or odour issue.

Irish Water has informed my Department that since this plant was commissioned in 2004, the area to which it discharges, Lough Mahon, has been designated as a sensitive area under the Urban Wastewater Treatment (Amendment) Regulations 2004. This means that the wastewater discharge authorisation has increased requirements for nitrogen removal which was not

provided for at the plant when originally constructed. Irish Water plans to carry out a modelling exercise on the receiving water in relation to this issue and will maintain contact with the EPA in this regard to ensure the plant operates in accordance with the appropriate authorisation.

As the Deputy will appreciate, the investment needs across our entire water system are considerable and will take a number of investment cycles to fully resolve. This will require significant and sustained investment from the State. The programme for Government commits to delivering an €8.5 billion investment identified under the national development plan in public water services. This will ensure the continued operation, repair and upgrading of Ireland's water and wastewater infrastructure to support social and economic development across the State and to ensure compliance with EU directives.

In more general terms, the Government's River Basin Management Plan for Ireland 2018-2021 outlines what Ireland is doing to protect and improve our waters. The next river basin management plan is currently being prepared by my Department and will be a critical plan period. Gabhaim buíochas.

Deputy Pádraig O'Sullivan: I thank the Minister of State and appreciate the response but it raises a number of questions. Even the very fact the Minister of State's answer has acknowledged that the plant is in breach of its nitrate emissions in terms of its licence since 2015, although it is not connected directly to odour and noise, is a recognition in itself of this and is not acceptable. Five years on Irish Water is still in breach of its licence, and nothing or very little is being done to remedy this.

The second point is that capital investment is required but Irish Water has not identified to us what the specific issues are, how it is going to address them, or most important, given us a timeline. That is the very least that is required if a plant of this nature, as important as it is to the development of the Cork Harbour region, is in breach of this licence. We should be given a definitive timeline and detail as to exactly how it will be upgraded.

As I said, there are about 6,000 housing units pencilled in for that area of Cork over the next few years, not to mention all of the industrial and commercial activity that will feed into this wastewater treatment plant. As I said, it is unacceptable that Irish Water is continuing to ignore public representatives and its responsibilities to agencies like the EPA in reporting these incidents.

While I appreciate the response, it gives me very little comfort in terms of resolving the problems any time soon. It reflects very poorly on Irish Water which thinks this is acceptable in Cork North-Central, in the case of the Carrigrennan plant, and, as mentioned earlier, in Belgooly in west Cork. I am afraid that is indicative of its logging of complaints right across the country. I will be interested to know if any other public representatives will do similar research over the coming months on other wastewater treatment plants in their areas, which are managed by Irish Water, because there is a long story here. Irish Water is not covering itself in any glory.

Deputy Malcolm Noonan: I thank the Cathaoirleach and the Deputy for his comments. It is agreed that Irish Water will need years and significant investment to address deficiencies in our water and wastewater infrastructure. Irish Water's primary function is to provide clean safe drinking water to customers and to treat wastewater and return it safely to the environment. In providing these critical services Irish Water plays a role in enabling social and economic growth and protecting the environment as well as the health and safety of the public. Irish Water, as a

10 September 2020

single national utility, is taking a strategic and nationwide approach to asset planning, investment, and meeting customer requirements. Our priority objective is to bring and maintain public water and wastewater services to acceptable international benchmarks and verifiably independent monitoring and reporting. Irish Water has been successful in achieving a 44% reduction in the amount of untreated and inadequately treated wastewater being discharged into our rivers lakes and the sea since 2014.

However, I note the Deputy's comments and will certainly follow up within our Department on the recording and logging of complaints. I will also seek a specific timeline and further detail from Irish Water on this specific item. It is important that we get clarification on this and more specifics to try to move this issue along. As the Deputy quite rightly outlined, this has been recurring and dragging on for far too long. Gabhaim buíochas.

Homeless Accommodation

Deputy Cian O'Callaghan: Gabhaim buíochas leis an gCathaoirleach. I wish to raise the conditions for people who have become homeless and are living in emergency accommodation. We spend €2 million every week on private emergency temporary accommodation for people who have become homeless. Increasingly, there is a reliance on private for-profit providers when it comes to hostels for people who have become homeless. There is a complete lack of regulation and independent inspection of these private, for-profit hostels. As a result of that, we have seen some degrading and dehumanising rules enforced in some, but not all, of the private, for-profit hostels.

Some of these rules include, for example, people being told that they are not allowed to stop for a chat with other people who live there, which is an absolute and fundamental breach of their human rights. There has also been a report in the media this week of a privately-run hostel where a woman had died and the other people living in the hostel were instructed that they were not allowed to talk about the death. There have been other rules where people have been told when they are moving in that there is a limit on them to bringing in two bags only. This applies to people who may have to bring all of their possessions with them on becoming homeless and has resulted in them, in that distraught state, having to get rid of much of their limited possessions.

We know that people who are in vulnerable situations are often terrified to assert their rights and to make complaints. They have already had a shattering experience and this is adding to it.

We know the HSE cut funding for community mental health teams that work with homeless people by 13%. According to research done by *Dublin Inquirer* and Amárach Research on people who are homeless and in hostels, 61% of respondents said that conditions and privacy were poor and 89% said that they had experienced bullying or intimidation. What is the Minister of State, and the Government, proposing to do about that? It is not good enough to say that this is a matter for the for-profit hostel providers, the Dublin Region Homeless Executive, DRHE, or the other homeless executives. The Government is responsible for this area. We are investing significant taxpayer funds into this accommodation and we have reports of very serious breaches of basic human rights taking place in taxpayer-funded accommodation for people who are in a vulnerable position and need to be supported and helped sometimes to access permanent accommodation. This type of treatment undermines the efforts people are making to get back into permanent accommodation. It is a form of shaming. It is utterly unacceptable. I

do not believe there is a Deputy in this House, or a member of Government, who would stand over it. I ask the Minister of State directly what he, and the Government, are doing to sort out this issue and to bring independent inspection and regulation into for-profit hostels.

Deputy Malcolm Noonan: I thank Deputy O’Callaghan for making his point so well. Resolving homelessness is a priority of this Government and the programme for Government includes a range of commitments to support individuals and families experiencing homelessness or at risk of homelessness. The Minister, Deputy Darragh O’Brien, has established a high-level homelessness task force, including chief executives of a number of the largest homeless NGOs and the DRHE, which will feed into the implementation of the programme for Government.

Key to addressing homelessness is increasing the supply of housing and the programme for Government commits to increasing the supply of public, social and affordable homes. In particular, we will increase the social housing stock by more than 50,000 units with an emphasis on new builds. However, as we address housing supply, there continues to be a significant number of households experiencing homelessness. The Government is committed to ensuring that these households are supported with emergency accommodation and receive the supports they need to identify and secure a home under the various social housing supports that are available.

Local authorities are responsible for the provision of accommodation and related services to individuals and families assessed as homeless. The Department of Housing, Local Government and Heritage, as it will become, is responsible for the provision of a national framework policy, legislation and funding to underpin the role of housing authorities in addressing homelessness at a local level.

My Department also provides capital funding to local authorities and to approved housing bodies to support the delivery of emergency accommodation for individuals and families experiencing homelessness. Family hubs have been developed by housing authorities, in conjunction with their NGO service delivery partners, to provide emergency accommodation that is appropriate for families. There are now 33 family hubs in operation providing over 700 units of accommodation for families experiencing homelessness.

All individuals and families experiencing homelessness are supported by local authorities and their NGO service delivery partners to exit homelessness to a home. A national quality standards framework for homeless services has been implemented to ensure a consistent approach in the way local authorities and service providers respond to the needs of those experiencing homelessness and to improve the quality of services provided to those who need to access emergency accommodation while they progress through homeless services into homes. The framework aims to ensure that the services provided are well-organised, co-ordinated, integrated and focused on moving people into homes as quickly as possible.

The Covid-19 pandemic has had an impact on homeless services, as it has across all areas of society. The HSE has issued specific guidance for homeless group settings, which includes details on Covid-19 prevention control measures. My Department is working with local authorities and the HSE to ensure that necessary arrangements are in place to protect individuals and families accessing emergency accommodation. Significant additional accommodation has been put in place to support the appropriate levels of social distancing in emergency accommodation and to provide self-isolation capacity for confirmed or suspected cases of Covid-19.

Deputy Cian O’Callaghan: I thank the Minister of State for the reply. I do not believe it

is acceptable to say that this is a matter for the local authorities. As these are taxpayer-funded, albeit for-profit, hostels where these alleged abuses of people's fundamental human rights are taking place, it is not good enough for us to say that the local authorities are doing this and that there is a national framework. We need to know the reason there is not a robust independent inspection and regulation system in place to ensure that basic standards and quality are met.

On the point of addressing homelessness, why is it the case that in the national Housing First implementation plan, which targets Housing First as a policy to a very limited group of people, namely, rough sleepers and people who have used hostels long term, the aim is to deliver only about half of the required tenancies for that targeted group over the course of the plan? Given that it is such a limited group of people, why could we not aim for 100%? In the Dublin area, only 273 Housing First tenancies are targeted. If that was doubled, at least for that very limited group, we could be making serious progress. That is something the Government could be doing and the Minister of State could use his influence to do. What is being done to ensure that basic human rights are met in these taxpayer-funded, Department-funded, for-profit hostels?

Disability Support Services

Deputy Richard Boyd Barrett: What is happening at St. Mary's Centre Telford - the nursing home, the assisted living housing and the disability services - and indeed what has already happened with the Caritas Convalescence Centre, in terms of the attempted execution of a tactical liquidation and a manufactured insolvency at the expense of the workers who worked providing these services and the residents and service users in the centre and at the homes there, is an absolute scandal. The residents are watching this debate now because what has gone on there threatens perfectly good and viable services specifically and uniquely provided for people with blindness and visual impairment and disability. It is an institution that has been operating since 1860, funded by the public but run by the Sisters of Charity who have decided, essentially using Covid-19 as a cover, to execute a tactical liquidation.

To give the Minister of State a sense of the feelings of the residents I will read out what some of those residents, who have been there, in some cases, 63 and 72 years, are saying:

6 o'clock We want our home back as we knew it. It has been so frightening and threatening having these liquidators here. How would you like it if you had the enemy in your home, your sanctuary? Our home should feel safe and unthreatening. Now it is like a prison. We are afraid to move. I've been here 62 years and my friend has been here 72 years. We've stopped smiling. Instead we are nervous, cannot sleep and it is affecting our mental health so much.

I do not have the time to read them all but the Minister of State will get the sense of fear and anxiety of these residents who are vulnerable, elderly women with visual impairment. They are facing their home and their community being broken up and all of the workers who provided those services being simply dumped.

The Government needs to step in and do something about this.

The social housing element was originally financed by Dublin City Council and the services were funded by the HSE but the Sisters of Charity-owned companies that run the centre have manufactured an insolvency and are looking for a liquidation that they should not get. This is

because the insolvency is manufactured. The companies claim they have liabilities associated with refurbishing the place to bring it up to certain standards. They claimed that the HSE funding might not continue and that they could not afford the redundancies, but the redundancies are happening only because St. Mary's triggered them - it did not have to - in a nursing home that was actually Covid-free, was run perfectly well and provides excellent services and a home to the residents. This is occurring when the company has €750,000 in the bank. If the redundancies go through, it will cost the taxpayer nearly €1 million. The request is for the Government and the HSE to step in and support the application made for an examiner to be brought in to save the jobs and services and prevent the trauma and anxiety that is now being inflicted on the vulnerable women. I ask the Government to step in. It has the power. It should get the HSE to do the right thing and stop this scurrilous behaviour by the companies owned by the Sisters of Charity.

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank Deputy Boyd Barrett for raising this important issue. A key principle underpinning Government policy is to support older people to live in their own home with dignity and independence for as long as possible. In recent years, there has been a shift in the focus of healthcare provision towards home care. Home support services are key in facilitating older people to remain at home and with our ageing population will become increasingly important. There will, of course, always be people whose needs are best met in a residential care setting or other supported housing model such as the services provided at St. Mary's nursing home and supported housing in Telford.

The relevant Minister of State, Deputy Butler, is aware of the difficult decision to close taken by the board of management of St. Mary's, which is owned by the Sisters of Charity. On 23 July, the HSE was advised that St. Mary's Centre (Telford) Limited was placed in voluntary provisional liquidation by order of the High Court at the request of its board of directors. The HSE advised that this was not an expected or anticipated action and was contrary to what the board of management had been advising the HSE up to the previous week. Provisional liquidators were appointed and they contacted the HSE regarding client and staff welfare on 27 July. It is understood that HIQA was also aware of this issue. At the time, there were 19 nursing home clients and 22 disability clients in residence at the centre.

The HSE has notified the Department that, as of 8 September, there were 22 residents remaining within the service, three persons resident in Loyola House and 19 remaining within the disability independent-living unit and apartments. The HSE is working closely with the provisional liquidators and HIQA to ensure all remaining clients are adequately and appropriately cared for until the High Court deliberates further on the application to liquidate the company by its board of directors.

At the High Court hearing on 8 September, an application was made on behalf of a group of employees, former employees, residents and their families to consider putting the company into examinership. This matter is due to be heard on 23 September.

The HSE remains conscious of the vulnerability of the residents at the centre and of the anxiety and stress this set of circumstances has caused for them and their families and that, through ongoing further engagement, it is hoped that such anxiety and stress can be substantially alleviated. The HSE is continuing to fund the provisional liquidators to enable care provision to be maintained for the remaining clients at the centre.

10 September 2020

The HSE has also engaged on site, effective from Thursday, 3 September last, to review the service and is committed to supporting services provision and to assistance in respect of client care at the request of the provisional liquidators, who are legally fulfilling the role of provider at this point. An independent advocacy service is currently being utilised where residents require and consent to such representation or assistance.

I heard the Deputy's frustration over the fear and anxiety of the workers and patients. He has asked the Government to step in. I understand the HSE has engaged with the INMO regarding the staff at St. Mary's. As the staff are not HSE employees, the matter of redundancy is for the liquidator to deal with.

Deputy Richard Boyd Barrett: I mean no disrespect to the Minister of State but it is very disappointing that the senior Minister is not here to deal with this very serious matter.

Engaging with liquidators and the INMO in terms of redundancies is just not good enough in this situation. Let me finish reading the comments of some of the residents:

Let us have our lives back so we can laugh again. To break up our community and friendship would be akin to death. We have not committed any crime. What have we done to deserve this?

What the residents want is to know that they can continue to live in their homes. That means retaining the assisted-living housing, the community, the disability services and the nursing home, which are perfectly good. All the HSE has to do is say it will support an examinership. It should not allow a liquidation to go through that is a tactical liquidation based on manufactured insolvency. This is an institution that was financially washing its own face. Its so-called insolvency was manufactured on the basis of notional redundancy liabilities that would not exist unless the workers were being let go. If the workers are not let go and the services are maintained, there is no liability. The HSE has made it clear that it was willing to provide funding to meet the necessary standards and, indeed, the companies had money in the bank in any event so there is no need for these services to close. There is utterly no need to move the elderly residents who have lived in the homes for decades and to cause stress and anxiety. We do not want words about engagement and all the rest of it; the Government must instruct the HSE to keep the services, homes and community in place. If it decided to do this, and if there were sufficient political will, the anxiety and fear of the residents could be prevented, vital services for the disabled and visually impaired could be maintained and the jobs of the workers, who have provided dedicated service for the service users for many years, could be saved. That is what the Minister of State needs to do and we need a commitment to that effect.

Deputy Frankie Feighan: I thank the Deputy for raising this issue. On behalf of the Minister of State, Deputy Butler, I would like to reaffirm that the decision to close St. Mary's was a course of action solely undertaken by the former board of directors. I hear the Deputy loud and clear that the residents want to continue to live in their homes with dignity. The Deputy wants the services maintained. He acknowledged the great work done by the staff. Provisional liquidators have been appointed and the HSE has confirmed that it is working closely with them and HIQA to ensure all remaining clients are appropriately cared for. At a High Court hearing on 8 September, an application was made on behalf of a group of employees, former employees, residents and their families to consider putting the company into examinership. This matter is due to be heard on 23 September.

Dáil Éireann
Hospital Services

Deputy Pat Buckley: I want to speak about the ongoing issues in the geriatric ward in Cork University Hospital. I also want to talk about patient and staff safety. For the past four days, I have been listening to stories on “The Neil Prendeville Show” on RedFM about what witnesses have experienced in the geriatric ward. I am sure the Minister of State is familiar with the station. In the past number of days, I have received numerous pieces of information about managers at the top level not coming down onto the floor and inspecting the place. I have heard about issues where if front-line staff, including nurses, seek help, or tell their managers they cannot cope, they are classed as troublemakers. How does one run a service when the top and the middle do not link up, never mind bottom?

Obviously, the issue here is long-term underfunding. Recruitment has been an awful issue here and there have been many health and safety issues. I listened to one poor woman who said there was no seating for the patient in the shower unit in the geriatric ward. It was a simple little handrail, that was it. The same lady witnessed a gentleman mopping the floor. Once he had finished mopping the floor, he proceeded to clean the shower tray with the same mop. Health and safety seems to be a big issue there.

I want the Minister of State to investigate a number of issues. The number one issue is that I have heard the conditions in this ward are absolutely appalling. It is 2020 and we are letting down our elderly and most frail. I listened to another woman who said she will never go back to that ward or even go to the hospital. She is in her 80s and said she will take her chances if she breaks something. If she can get to her armchair in her living room, she will happily die there. Those are not my words and, as I said, I have listened to this debate on the radio for the past number of days. I am not taking the side of patients and families, or staff and their families. I am here to ask the Minister of State to investigate, so we can help everybody here, that is, the staff and patients in Cork University Hospital, CUH.

I want to raise the issue of penny-pinching. Again, it is not picking on particular staff but this is down to contracts and management whereby agency staff are given time slots of two minutes to clean area A, five minutes for area B, and so forth. It is totally inadequate. Then we wonder why people are getting sicker when they go to hospital.

Another issue I wish to raise in this short time, which I will revisit, is that of the so-called unannounced visits by HIQA. Many of these so-called unannounced visits are not unannounced. I learned today that the so-called unannounced visit to the Cork geriatric ward is next Monday. I have been told that staff will be brought in over the weekend to move trolleys into empty wards and clean the place before this visit. How are we to help patients and ensure the safety of staff who genuinely want to work there when nobody is taking responsibility? If HIQA is not doing its job properly, then somebody has to be responsible for it. That is what I want to get to the bottom of here. We need to help everybody in this scenario, that is, the staff and patients in CUH. I hope to God it is not happening in other places around the country but if this is what I have been told about so-called unannounced inspections, then I fear there could be a domino effect.

Deputy Frankie Feighan: I thank the Deputy for raising this issue and giving me the opportunity, on behalf of the Minister, Deputy Donnelly, to provide an update to the House regarding concerns over hygiene and infection control standards at Cork University Hospital’s geriatric unit.

10 September 2020

First, I assure the Deputy that infection prevention and control is generally well-developed in acute hospitals. Indeed, prior to the pandemic all acute hospitals had outbreak teams in place. However, while it was clear that systems were in place to manage outbreaks and control further spread of the virus within hospital settings, questions arose as to the whether there was sufficient focus on outbreak prevention.

Given the insidious nature of the coronavirus, at its meeting on 31 March NPHET accepted that more can and should be done. It mandated the implementation of a suite of 29 measures to prevent transmission of the virus in acute hospitals to slow the demand for specialised health-care, safeguard risk groups, protect healthcare workers and minimise the export of cases to other healthcare facilities and the wider community.

The HSE has established an overarching governance structure to provide oversight for all issues related to Covid-19 infection control. In addition, the Department of Health has been working with the hospital groups to implement these NPHET mandated measures across a number of different action areas, namely, governance, risk management, outbreak management, staff symptom declaration, staff segregation and adoption of social distancing guidelines.

One of the measures mandated by NPHET was a desktop review by HIQA of acute hospital infection prevention and control preparedness for Covid-19. The report of that review has now been published. While this report highlighted the progress that has been made in recent times to expand infection prevention and control, IPC, capacity and capability at acute hospitals, deficits in IPC capacity were identified. Following discussions in the Department and with the HSE, it was agreed that there was a need to consider an integrated approach to address IPC deficiencies across acute hospital and community sectors. In that regard, I am pleased, on behalf of the Minister, Deputy Donnelly, to inform the House that funding of almost €4 million was recently approved to address immediate IPC requirements in acute hospital and community services. This will help to minimise and mitigate the risks of staff, patients and service users and facilitate the delivery of safe health services.

In Cork University Hospital, the care of the elderly service is delivered on Ward 1A, which is a 35-bed ward. With regard to hygiene and infection control standards, the HSE has advised that cleaning staff are based in the ward from 8 a.m. to 8 p.m. with hygienic service available throughout the night as necessary. The HSE has also advised that monthly hygiene audits are carried out along with annual environmental hygiene audits and that prevention and control of healthcare associated infection training is provided on a continuous basis for all staff which has been enhanced throughout the Covid-19 period.

Deputy Pat Buckley: I thank the Minister of State for his reply. He knows I am straight-talking. Can we stop blaming Covid-19 for this? I never mentioned Covid-19 in my opening remarks. Some of this is historic and goes back to 2016. We cannot blame Covid-19 and we probably cannot blame Brexit.

It is my job as a public representative to say to the Minister of State that if a patient or staff member is not being fully supported and his or her health, well-being, mental health and physical safety is being put at risk, it has nothing to do with Covid-19. It has to do with management of the area, misrepresentation and what I said to the Minister of State about so-called unannounced visits. The Minister of State mentioned risk management, outbreak management, staff symptom declaration and staff segregation. We are not talking about that but about elderly patients being left in their soiled beds without help. We are talking about patients who cannot

feed themselves. When the server puts the plate on the table, walks away and comes back in an hour later, he or she sees the plate is still full and assumes the patient is not hungry. Certain protocols are not being properly pushed here and the public are aggrieved and they are blaming the staff who are overworked and under-resourced.

I ask the Minister of State to forget Covid-19 as an excuse. One of the safest places on the planet is supposed to be one's hospital but the patients and the staff here are not being looked after. Will the Minister of State carry out a full review and find out if this so-called announced HIQA visit is actually happening next Monday? Is that true? If it is true, it is lying to the Minister of State. I have said that to other Ministers over the years in regard to mental health. The Minister of State cannot then do his job properly. He cannot come into this House and say to me that this is what he has been told. It might be what he has been told but he should listen to four days of people ringing in to a radio show and listen to mothers, patients and staff crying. However, he has said to me that we will blame Covid-19, throw in a few measures, thank HIQA and NPHE and everything will be grand but it is not grand. I ask the Minister of State one more time on behalf of the staff in the unit, the patients and their families to investigate with HIQA and who put out that report. If it is true, who said that there is an unannounced visit by HIQA into ward 1A in CUH? There will be staff there over the weekend to sort things out and I can guarantee that there will be a chair in the shower, there will not be a smell out of the toilet bowl, people will be fed and everybody will be happy. If that is true, we should be ashamed of ourselves.

We are here to represent people and get things right. I am not here long enough, but the Minister of State can hear that I am angry. I am fed up of getting these one-liners. It is not his fault and it is not a personal attack on him, but on the system. I do not trust the HSE or HIQA, but I trust the parents and the service users who have had their testimonies on air. I trust the staff and their testimonies on air. Somebody must be telling the truth and somebody must be telling lies, which is why I am asking the Minister of State to investigate it. I believe that the staff, the patients and their families are telling the truth. The Minister of State is being misinformed by HIQA and the HSE.

Deputy Frankie Feighan: I will bring the Deputy's observations back to the Minister, Deputy Donnelly. The upset of the staff, patients and their families has been noted. The Deputy also called for various protocols to be introduced. He also spoke about an unannounced visit by HIQA that may happen on Monday. I will try to clarify those issues for him. It is now clear that in order to safely and sustainably manage the provision of the health service into the future, significant investment will be required to build the IPC capacity in the coming years. We want to ensure our health service provides safe, quality and timely care. It is a priority for the Government. In that regard the HSE has provided assurance that all hygiene standards are adhered to on ward 1A and throughout Cork University Hospital. I will bring the Deputy's views and concerns to the Minister. I again thank him for raising this important issue.

Ministers and Ministers of State (Successors) Bill 2020: Second Stage [Private Members]

Deputy Peadar Tóibín: I move: "That the Bill be now read a Second Time."

I am very glad that the Ministers and Ministers of State (Successors) Bill has reached Sec-

ond Stage. A lot has happened since I first put the Bill forward. It seems like an age has passed in the history of the country since the Bill was tabled way back in the middle of the lockdown.

We had a very strange situation following the general election. We had a period of 140 to 150 days when the political establishment got involved in a slow set, a merry dance, a very slow political process of trying to form a government. During that time, we had a Taoiseach who lost a general election. We had Ministers who had lost their seats and had no mandate themselves. We had a Dáil that was unable to legislate. We were in the middle of one of the most severe health crises in the history of the State. A pandemic was rolling across the world in our direction and we had a political system that was in effect completely broken.

We were not able to make life-or-death decisions in Leinster House. Eleven Senators could not be selected because the Taoiseach had to be the Taoiseach elected by the new Dáil before the Senators to be nominated by him could be selected. As a result, the Seanad was in abeyance. As we know, the Oireachtas needs the two Houses to function properly and deliver legislation. On plenty of occasions emergency legislation was necessary and we had a political system that was flailing about, trying to get its act together and get things done when it needed to most.

One of the most striking images was that of the then Taoiseach, Deputy Varadkar, who was in Government Buildings designing and developing one of the most rigid and restrictive plans that any Government in the history of the State had ever developed. That was done in Government Buildings. He got into his ministerial car and drove to RTÉ to deliver the contents of that plan. Here we were, the elected Deputies who had a refreshed mandate - some of them had a new mandate - at Leinster House at their desks twiddling their thumbs not really sure what the content of that plan was and with no opportunity to feed into that plan, no opportunity to block, stop or amend any elements of it whatsoever. All they could do was pick up their remote control and listen to the speech the Taoiseach was going to deliver in RTÉ. They were, like the rest of the citizens, helpless.

If that type of political dysfunction had lasted so long anywhere else in the world, there would have been uproar. If President Trump were completely to ignore the Houses of Congress and take all the power within that democracy into the hands of just a small executive, ignoring the freshly elected representatives, it would be all over the news. People would be shouting from the rafters and hammering the action if that was the case. However, that was what was happening in Ireland. There was a breathtaking subversion of democracy in that period. We are a republic and the most important element of how this republic functions is the democratic system. The idea that citizens are sovereign and are in control, and that we legislate on their behalf at their will, is a key element of what a democracy is and yet that issue was subverted for a long period of time.

The Government parties seemed to make this issue personal at the time. When I raised this there were three Ministers who had lost their seats in Cabinet at the time. There is nothing personal about the Bill and nothing personal about the desire to see the actions of the people implemented as soon as possible in any new Dáil in future. I imagine some of those Ministers found it very difficult to have lost their seats. It is a very difficult personal experience and they had to remain in that role at a very difficult time. There is nothing personal in this; it was not an insult.

However, many people at home were asking how such a person was still a Minister. Did that person not lose their seat? In fact, many of the citizens of this country saw it as an insult to them that these Ministers were staying on. Many people on the street felt that here were

Ministers who having had a certain number of years in office had achieved pensions for their particular roles and if they made it to June, those pensions were going to increase. Obviously with the process of Government formation taking so long, many of those saw their ministerial pensions increase.

A couple of things were at the heart of this crisis. Society had a sense of urgency. The body politic was in a bubble and was detached from that sense of urgency. I believe it was full of its own self-importance with regard to how to proceed. Any political establishment that takes nearly 150 days to get together to negotiate is radically detached from the reality of people's lives. That detachment underlined the subversion of democracy and the idea that a person serves only by the will of the people.

Obviously we have a Constitution, which is the basic law of the State. That Constitution makes provision for a caretaker government after an inconclusive election for the period in which political parties are negotiating with each other but I am not sure that anybody here can say that the writers of the Constitution honestly felt that a government formation process would take 150 days. I am not sure that anybody would have thought that a ministerial office would be a blank cheque that could last for such a length of time. There is no doubt in my mind that 150 days is not the longest period of government formation we may witness in our lifetimes. We are living in a far more fractured political environment than we have ever seen before. With the way things are going, it is likely that we could see 200 or 250 days of negotiations on government formation in the future.

The key question is whether a Minister who does not have any democratic mandate should be able to spend billions of euro of people's money. Should a Minister with no more of a mandate than my four-year-old son be able to make key decisions relating to people's lives, rights and entitlements? My instinct is that he or she should not. There has to be a logical deadline by which we replace those Ministers.

The Constitution says that Ministers stay in place until the Dáil chooses successors to replace them. My Bill creates a deadline of six weeks. The existing Minister has an opportunity to function, to tidy up his or her office and to make sure that issues which have to be dealt with quickly are dealt with but, after those six weeks, a decision would be made to select a new Minister. The names of the Ministers would be put before the Dáil to be voted on. The new Minister, who would have won an election and would have a democratic mandate, would then function within the Chamber. It is a very simple process and I believe the six-week element of this Bill will be radically helpful in the future. It will create a deadline for government formation because parties in a caretaker government that are part of negotiations will not want to go before the Dáil to seek a replacement Minister because they will know that there will be political challenges in doing so. Minds will be focused on trying to form a government within that six-week period. That is simply what this Bill does.

This proposal means that if one wants to be a Minister in this country and if one is going to act and exercise the authority democracy gives a Minister, one must first and foremost have been democratically elected. Democracy is not just for Christmas or for the good times. It is not just some kind of appendage or add-on which we do our best to get around to at some stage. Democracy is sacrosanct. Nothing built in this Oireachtas should be built on anything but a democratic foundation. Any effort to do otherwise means ignoring the people and shows how separate the elected representatives in this Chamber have become.

There is also a practical element to this Bill which relates to the junior Ministers. A vote of the Dáil is not necessary to replace a junior Minister. They can be replaced on the will of the Taoiseach so there is no real difficulty in replacing them after six weeks. In that situation, junior Ministers would be able to attend the Dáil to answer questions. A situation arose here where newly elected and newly minted Deputies wanted to ask the then Minister of State, Senator Kyne, questions at the start of this Dáil term. In fairness, he wanted to answer those questions in the Dáil but he could not.

A Minister without a mandate was making decisions while completely unaccountable to the Dáil. At the very early stages of the confused situation we were in, the Minister, Deputy Donohoe, was coming to the Chamber to answer questions for Senator Doherty. One of the problems I have with Irish politics is that it was an accountability-free zone for many years. One of the only tools we have to hold people accountable is democracy. Everybody here knows that if we do the wrong thing, there is a good chance we will not be elected at the next election and will not be able to continue our work. We all have clinics to go to every week where we listen to the people and make sure we understand what is happening at a grassroots level and in real people's lives. If one is a Minister who has already lost one's seat, however, one is not threatened by the possibility of losing that seat. That key element of accountability is lost in that situation.

It is also incredible that, at the start of this particular Dáil, there was a Minister who basically said that she did not want to answer certain questions as they were questions for the next Minister for Children and Youth Affairs. There was an attitude among Ministers who were being fully paid and whose pension entitlements were increasing that they did not have a responsibility to answer Deputies' questions.

There is also an economic cost to the current situation. At present, 160 Deputies must be elected but Ministers without mandates must also be paid a certain amount. The current process therefore costs the State approximately €40,000 a week.

The key issue, however, is one on which we must really focus and which must be at the heart of all we do here. We need to find a mechanism to make sure the democratic deficit that existed and the crash in democracy that occurred at the start of this Dáil does not happen again. The best way to do this is to introduce a deadline and to use the skills and energy within the Dáil to fill those ministerial seats. Some people will say that certain Ministers are fantastic even though they lost their seats, that they have great experience and that people would have to read themselves into their ministerial briefs to be able to deal with them. There is a serious problem if we are saying that we do not have the political and technical skills necessary to do these jobs within Leinster House and that we have to rely on people who are not elected representatives to do them. We need to make sure we do not divorce the actions of this Dáil from the accountability and oversight inherent in the democratic institutions.

Some people may disagree with the six-week time limit and perhaps with the selection of Ministers. They may feel the responsibility should be passed to an existing Minister, as has happened under previous Governments. That is fine but this Bill should be allowed to grow on Committee Stage. People should be allowed to table amendments to improve it, if necessary. We should not, however, lose this opportunity only to find ourselves in another crisis in three or four years' time seeing 200 years of the will of the people ignored.

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I commend the Deputy on his energy and diligence in bringing forward this Bill

but it is not a proposal the Government can support. The Government is established, appointed and regulated in accordance with the Constitution rather than statute. This is confirmed in Article 28.1, which states that Ministers are “appointed by the President in accordance with the provisions of this Constitution.” As such, it effectively appears that this Bill attempts to add a further ground to the procedures for the appointment and removal of Ministers contained in Article 28.9 but it purports to achieve this by way of legislation rather than by amending the relevant provision. In addition, it does not appear that this is a proposal which falls within the matters which may be provided for by statute in accordance with Article 28.12 of the Constitution. As such, it is highly questionable whether the form of this Bill is consistent with the Constitution or whether this is a matter which may be legislated for in the first place. On this basis alone the Government cannot support it. What is envisaged under Article 28 is that a Minister should remain in office until such time as his or her successor is appointed. The Constitution states: “The members of the Government in office at the date of a dissolution of Dáil Éireann shall continue to hold office until their successors shall have been appointed.” One of the great benefits or advantages of our Constitution is that it is so easy to read, understand and remember. To me that paragraph is crystal clear. We can understand the intention and meaning of those words and the intention of the people who drafted them.

It is a sensible and proportionate measure. It is designed to ensure certainty and continuity so that the day-to-day operations of Departments of State are not impacted unduly in the interregnum between an election and the formation of a new Government. The wisdom of this approach has been illustrated in recent months. As Departments struggled to contain an unprecedented pandemic that reached crisis point shortly after the election was held, it would not have been to the benefit of the public for Departments to be forced, based on an entirely arbitrary and inflexible deadline, to change leadership while also trying to maintain a strategic focus on the delivery of essential services in the face of a crisis. In fact, if we look at the section of the Constitution I quoted, it is clear that the drafters of the Constitution were familiar with situations like the pandemic. After all, there was a pandemic in 1918 on a similar, or even larger scale to the present one, and we are used to situations of war. There are times of great crisis which may go on for some extended period of time and the Constitution makes no reference to an end time for those things to happen.

In practical terms, this Bill would mandate a caretaker Taoiseach who does not have sufficient support in the Dáil to form a Government to nevertheless make ministerial appointments. Aside from the pragmatic consideration of preventing unnecessary disruption in the day-to-day operation of Departments, as far as democratic legitimacy is concerned, it is difficult to see how this proposal is preferable to the current arrangements whereby outgoing Ministers remain in place on a caretaker basis. Certain countries, such as Spain, specify in their constitutions the length of time permitted for government formation which may be a more workable means of advancing the Deputy’s objective. The Irish Constitution contains no such provision, however, and to insert one would require a referendum rather than legislation. As such, aside from the fundamental constitutional issues engaged by this proposal, on policy grounds the Government equally cannot support it.

At this time it is fair that I acknowledge the contribution of those Ministers who did not retain their seats and who despite that continued to do their jobs during the pandemic emergency. They absolutely devoted themselves to public service and brought us through an incredibly difficult time and many people across the country, no matter what party they are in, recognise, acknowledge and honour those Ministers for the work they did at that time.

Deputy Ged Nash: I acknowledge the remarks of the Minister of State, which are pretty much on the money. The Constitution could not be clearer about the arrangements which must pertain where, subsequent to a general election, a delay occurs in forming and electing a new Government in the Dáil. I also acknowledge the spirit of the Bill developed by Deputy Tóibín and agree that it is not ideal that Ministers remain in office between an election and the election of a new Government if they have failed to retain their seats. It may be an offensive set of circumstances for the Deputy and it may rankle with some in society but the Deputy and others might be a little surprised to know that the last place a fallen Deputy wants to be is in ministerial office, for even a day longer than they have to when they have lost their seat. I speak from personal experience in the context of the 2016 general election and the interregnum period between that election and the formation of a new Government in early May of that year.

The Minister briefly referenced some of the relevant constitutional provisions which govern this particular policy area. They are represented in Article 28. According to Article 28.10 the Taoiseach must resign from office on his ceasing to retain the support of a majority in Dáil Éireann unless on his advice the President dissolves the Dáil for another general election. Under Article 28.11.1 if the Taoiseach at any time resigns from office the other members of the Government are deemed also to have resigned but the Taoiseach and the other members of the Government must continue to carry on their duties until their successors are appointed. Under Article 28.11.2, which I think the Minister of State referenced, the members of the Government in office at the date of a dissolution of the Dáil must continue to hold office until their successors are appointed. Thus, quite correctly, the Constitution envisages a possible delay in the process of forming a new Government and the outgoing members must remain in office and continue to perform their functions until such time as a new Government is chosen by the Dáil.

As such, there has to be some rule about what happens after an election result and before the new Government is approved. There could, for example, be no Government at all which would be chaotic for all kinds of reasons. There could be an acting Government made up of incumbents who are waiting to be replaced, which is the current rule and which has been in place for some time, or there could be a Government made up of interim appointees nominated by someone who does not himself or herself have a democratic mandate, which is what this Bill proposes.

The Bill is aimed at what is seen as a particular issue, where some acting Ministers may be individuals who have lost their seats in a general election. Deputy Tóibín considers it anomalous that one can remain, for this short period, a Minister without being either a Deputy or a Senator. The Bill proposes that no later than six weeks after the general election the acting Taoiseach, even though there is no such term in the Constitution, must get Dáil approval for the ministerial appointments to replace Ministers who have lost their seats.

The first problem is one of basic policy. Why is it better that someone who lost an election, namely, the acting Taoiseach, be given the right to nominate new Ministers than the losers continue in an acting capacity? The second problem is the Bill envisages a Minister may have lost his or her seat but does not envisage the Taoiseach failing to be re-elected. The machinery the Bill mandates imposes obligations on an acting Taoiseach which could not be discharged by a person who is not a Member of the Dáil. The third problem is that, as I indicated, Article 28 of the Constitution already sets out rules to govern this very kind of situation. The model chosen is that members of the Government in office going into a general election must continue to hold office until their successors are appointed. The fourth problem is that while the Bill requires an acting Taoiseach to nominate successors to Ministers who have lost their seats, there is, of

course, no obligation whatsoever imposed on the Dáil to approve those nominations. Why would a Dáil in which the Taoiseach has lost the vote on his or her re-nomination, facilitate him or her in anyway with his or her reshuffle? It is contradictory to expect a Dáil which has expressed its lack of confidence in a Taoiseach to approve his or her ministerial nominations. The Bill requires the Taoiseach to attempt something which is most unlikely to be successful.

The fifth problem is that if the Dáil approved the nominations then a very strange entity would be in charge of the State whereby most members, including the Taoiseach, were functioning in an acting capacity but the new members would be real as opposed to acting Ministers. Why should they be given a different and perhaps democratically superior designation when they are part of an administration that is, as a whole, acting, outgoing and has lost the support of the Dáil? It is in the nature of a change in regime that there must be transitional arrangements to ensure that at all times the State has a functioning Executive. We had a functioning Executive of sorts, whether we accept it or not, between the most recent general election and the election of the current Government. It is in the nature of transitional arrangements that they are not perfect. They may very well be clunky. They may have anomalous aspects that make many of us feel uncomfortable, such as having persons who are not Members of either House addressing the House as a Minister. I completely understand these sentiments but the Bill does not provide a workable solution to what is, in any event, not an intractable problem. We believe there are aspects of the Bill that are repugnant to the Constitution and are not, in fact, amendable.

Deputy Gary Gannon: I intend to be brief. This is a very welcome Bill that has provoked the appropriate conversation and debate on the urgency required when we have a potential transition of Government. Urgency is what has been absent, which has probably motivated the Bill. At the very beginning of the Thirty-second Dáil and Thirty-third Dáil, there was an absence of urgency that continued for several months. There was posturing, political game-playing and people making political statements to take shots at their rivals and tell us all of the reasons we could not work together. What we needed was a degree of leadership. This was particularly prevalent during the Thirty-third Dáil, after the electorate had gone out with an enormous sense of urgency prior to Covid-19, when the issues were the hospital crisis, an absence of childcare and all of the issues we faced on the doors. People throughout Ireland went out in their droves to vote for change, which almost seems like a cliché now. That excitement brought new voters into the public sphere. People voted for the first time and thought it would make a difference and that the make-up of the next Dáil would reflect the urgency and change for which they voted. What materialised was a little frustrating. It was in no way untoward constitutionally but voters who were eager to see their votes represented in Dáil Éireann could not understand why the same Ministers were in the same place. That is absolutely fine.

The Bill is interesting. I agree with Deputy Tóibín that there is no reason it could not progress to Committee Stage when Deputies could have further debate on the concerns they have. When Deputy Tóibín wrote the Bill he understood the constitutional position which has been raised by the Government. That is why we bring forward legislation.

I acknowledge that the 150 days it took us to form a Government has implications, including societal implications as people lose confidence in the political system, which is quite dangerous. It has become almost the norm that we have brinksmanship. The only thing that should happen after an election is that political parties should get around the table and decide whether they can agree on forms of taxation and how it is spent and on policy. If we can deliver on that, it should be the basis on which a Government is formed. In the absence of this, what happened after the most recent two elections is that people engaged in posturing. They fundamentally

10 September 2020

agreed on everything but there was political posturing, which has been to the detriment of public will and probably the public interest. This conversation is definitely worth having. I would like to see the Bill progressing to Committee Stage and, as such, I will support it.

Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth): I have heard the contributions of the Deputies and I thank them, in particular Deputy Nash for outlining his personal experience as a Minister of State who did not retain his seat and his feeling that the last place he wanted to be was back in the Dáil. I also thank Deputy Gannon for his contribution.

Something that struck me was the reference by Deputy Tóibín to the lack of accountability that a Minister would have where that Minister was not planning to run for election again. Deputy Tóibín described a situation where such Ministers are surely completely unaccountable because they will not be held to account by the electorate and will not be held up to that standard in a general election. Of course, many people who are in ministerial office are at the end of their parliamentary careers. They are not planning to run for election after that term but they still want to do a good job. There are other mechanisms of accountability. They do not want to be remembered in the media, or by the critics or public, as somebody who did a poor job. That is how I want to address the accountability question.

With regard to the concept that a person who has not won a general election should not be in ministerial office, we have to remember that according to the Constitution, two Senators can occupy ministerial office. At present, my colleague, Senator Pippa Hackett, is doing a great job at the Department of Agriculture, Food and the Marine. What if a Deputy who is a Minister planned to move to the Upper House for the next stage of his or her career? The Seanad election must be held within 90 days of the general election but the Bill proposes that within 42 days of the general election, Ministers should be deposed.

Everybody in the House would agree that it is far from ideal for the process of Government formation to take a matter of months rather than days or weeks. However, we must also take account of the unprecedented public health challenge faced by the State both then and now. That was the main cause of the delay. It is my sincere hope that in future, no outgoing Minister or incoming Government will face a crisis of such magnitude that it requires the full resources of the State to be brought to bear as a matter of supreme urgency. Such a hope is almost certainly in vain. In practical terms, it is easy to foresee that taking an arbitrary and inflexible approach such as that proposed in the Bill would have a detrimental impact on the ability of the State to respond to future crises. Further practical and administrative issues are also foreseeable, including making arrangements for the engagement and remuneration of a Minister who may only be in office for a matter of days or weeks in order to tick the box of meeting the proposed obligation while the final composition of the incoming Government remains to be decided.

To the best of my knowledge, there have been only two other occasions when the process of Government formation exceeded the six-week period stipulated in the Bill, in one case by only a matter of days. Historically, the time taken to form a Government has tended to average approximately 20 days. Aside from these practical concerns, I have outlined the constitutional issues that are immediately apparent when considering the Bill. While the Government notes the points raised by Deputy Tóibín and other speakers, for the reasons I have outlined, the Bill cannot be supported.

Deputy Peadar Tóibín: We believe there is no constitutional problem with the Bill. We

have sought legal advice from constitutional lawyers on it and we use language in the Bill that is fully sympathetic to the language of the Constitution. The words were chosen to meet the needs of the Constitution. The Bill seeks that a new Dáil select and appoint Ministers. This is a key point. The Constitution demands what is necessary. It states a successor needs to be selected from the new Dáil and appointed to the position of Minister. That is exactly what the Bill also states.

It is notable that in the ten years I have spent in the Dáil, on most occasions that Governments opposed certain Bills they did so under the banner of the Constitution. When there is something good in a Bill that is hard to argue against, such as the democratic premise and the necessity for democracy in this Bill, very seldom do we see Government parties rush headlong into that particular objective because it does not look good for members of the Green Party, Fianna Fáil or Fine Gael to say they oppose the premise that Ministers should be fully elected.

7 o'clock That is a hard thing to argue on the streets of one's home town, on one's local radio station or even on the national airwaves. Therefore, when a Government is faced with the choice as to whether to go headlong into what is actually a positive or healthy thing in a Bill, it often lifts the banner of the Constitution. It is just funny on this occasion because on most occasions, the Government will say it has received advice from the Attorney General that the Bill is not constitutional. Then there is a back-and-forth in the Chamber, with the Opposition asking to see the advice and Government saying it never shows the advice. On this occasion, however, the Government has not even gone as far as to say the Bill is unconstitutional or to say the advice of the Attorney General is that it is unconstitutional. All the Government is saying is that it is a little iffy, that it may or may not be constitutional. That is not a good enough response to set back a Bill from being discussed on the next Stage. I will read out the words of the Bill itself:

On or before the specified date, the Taoiseach shall, with the previous approval of Dáil Éireann, nominate for appointment by the President the successors in office of those Ministers who have ceased to be members of a House of the Oireachtas.

The Bill is designed in sympathy with the needs of the Constitution.

I am surprised by the words of Deputy Nash on this. He stated in his contribution - I am paraphrasing but I think I am doing justice to what he said - that he does not see that a Minister who has been democratically elected is preferable. That is a shocking statement. A democratic mandate is not just preferable but sacrosanct. It is without question necessary. Going back to Lincoln - "government of the people, by the people, for the people" - or any of the great democrats who have gone before us, they have built the idea of mandate at the centre of executive government. Deputy Nash also stated that the Taoiseach could come into difficulty in a future Dáil if the Dáil were not to play ball with the Taoiseach and not ratify his or her preferred ministerial appointees. That is like saying a future Dáil is likely to believe that a Minister without a democratic mandate is preferable to a Minister with a democratic mandate, which, again, is very hard to see because any Opposition party preventing the swapping out of a Minister with no mandate would find that a very difficult sell anywhere in the country. It would definitely be a challenge to a Taoiseach in the future to face such a situation. It would be a headache. However, perhaps that headache would be enough to give that Taoiseach a kick in the backside to get Government formation done in a timely fashion. Perhaps we would not see 150 days slide by.

There was a process on the most recent occasion of Government formation whereby what are now the Government parties were meeting each other once a week. We in Aontú were in-

10 September 2020

volved in that Government formation. We contacted Fine Gael and Fianna Fáil. It was five or six weeks before they responded. It should be remembered that we have a pandemic washing across the world. We had a Government without a mandate, a Dáil unable to legislate, freshly minted Deputies unable to ask questions of Ministers of State and Ministers of State not able to come in to answer questions. We had Ministers simply saying it was none of his or her business and to wait until the next Minister came along. It is an unsatisfactory situation when the Legislature cannot legislate. I refer to the idea that we would see that democratic deficit, that crisis that existed just a few months ago, as something we just move on from and do not seek to tackle. Moreover, when an Opposition political party puts up a reasonable response and is open to future developments in respect of a Bill to improve it and make it suitable to the other political parties, that opportunity is not grasped.

The Minister mentioned the Seanad and said two Seanadóirí can become Ministers. In fairness, though, do we not agree that the Seanad needs reform? I, for one, believe the Seanad is undemocratic and needs to have a stronger democratic mandate in the future. There is probably a room full of reports on Seanad reform somewhere in the Houses of the Oireachtas. Nothing is happening about that, unfortunately. Just because the Seanad is undemocratic and there is a process that allows for an appointee of a Taoiseach to become a Minister does not necessarily mean we should start from that position legislatively to try to fix this situation.

As Deputy Gannon rightly said, there was a radical urgency and a hunger among the people during the most recent general election campaign. It is interesting that when I first floated this Bill, it got support from right across the political spectrum. People who would not necessarily share my politics at all came out strongly in support of the idea that democracy is sacrosanct and that Ministers should be democratically elected. There is an urgency, and there was an urgency in the process of Government formation that did not happen. Democracy delayed is democracy denied. How long does it take for the will of the people to be stopped before it is undemocratic? It seems to me that the process we have now gives no end date to that difficulty. There is a real and practical necessity for this place to be able to legislate in future. If we close our eyes to this now, I guarantee that within the next 20 years, there will be a moment in time when the hands of the Dáil will be tied, unable to legislate. There has to be accountability. Of course, there are Ministers who retire and, as such, do not go through the test of the election, but in the main the test of the election is a serious one. How many Deputies sit here without the idea of the test of the election constantly in the back of their head? Everybody has it in the back of their head when they work here.

By voting against this Bill, parties are voting against the implementation in a timely fashion of the will of the people. By voting against the Bill, they are voting against the premise that Ministers should have a democratic mandate. By voting against the Bill, they are highlighting the separation of this bubble from the urgency of the real world. I ask the Minister of State to reconsider and have a discussion among Cabinet. I am not saying by any means that the Bill is perfect. We are the smallest political party in the Chamber. We do not have the resources of other political parties. We certainly do not have the resources of the Government drafters. I ask the Government to work with us on this, let the Bill proceed to Committee Stage, bring forward the Government's amendments and let us make sure we do not have such a democratic crisis again.

Question put.

An Ceann Comhairle: In accordance with Standing Order 80(2), the division is postponed

Dáil Éireann

until the weekly division time on Thursday, 17 September 2020.

The Dáil adjourned at 7.10 p.m. until 1.30 p.m. on Tuesday, 15 September 2020.