



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 11 Feabhra 2021

Thursday, 11 February 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10 a.m.

Paidir.

Prayer.

Counterfeiting Bill 2020: Order for Second Stage

Bill entitled an Act to give effect to Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA and for that purpose to amend the Criminal Justice (Theft and Fraud Offences) Act 2001; to give full effect to Council Regulation (EC) No. 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, as amended by Council Regulation (EC) No. 44/2009 of 18 December 2008; to give full effect to Regulation (EU) No. 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation; and to give full effect to Decision ECB/2010/14 of the European Central Bank of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes, as amended by Decision ECB/2012/19 of 7 September 2012 and by Decision ECB/2019/2195 of 5 December 2019; to make further provision in relation to the designation of the National Analysis Centre for euro notes and the Coin National Analysis Centre for euro coins; and to provide for related matters.

Minister of State at the Department of Justice (Deputy James Browne): I move: “That Second Stage be taken now.”

Question put and agreed to.

Counterfeiting Bill 2020: Second Stage

Minister of State at the Department of Justice (Deputy James Browne): I move: “That the Bill be now read a Second Time.”

I welcome the opportunity to present the Counterfeiting Bill 2020 to the House. According to European Central Bank, there are 25 billion euro bank notes in circulation with a value of more than €1.4 trillion. EU authorities and all member states share a responsibility to protect

the currency against counterfeiting. This is achieved through a comprehensive package of technical, administrative and criminal law measures which have been very successful to date. Recent figures published by the ECB show counterfeiting is down 17% year on year and is now at an historically low level. In 2020, the chance of a note being counterfeit was only 17 in 1 million. Most counterfeits are of low quality and are quickly detected and removed from circulation. Although this threat has been contained, with high-tech security features making euro bank notes secure and easy to distinguish from counterfeits, the regime will continue to evolve to ensure protection in the future.

The Bill will update Irish law to reflect four pieces of EU legislation in the area. These are, by and large, already implemented, either in law or existing practice. However, some technical changes to the relevant offences are required to harmonise our existing framework with EU requirements. Part 3 of the Bill will also complement the extensive legislation already in place to underpin the Central Bank's activities by placing existing bank practice on a statutory footing in relation to certain issues.

While the Bill is technical and complex, it simply reflects the evolution of an already very successful regime and ensures we meet our EU obligations. The Bill will transpose a number of outstanding elements of the counterfeiting directive 2014/62/EU, as well as the ECB euro bank note decision ECB/2010/14, the euro coin regulation 1210/2010 and the euro counterfeiting regulation 1338/2001. The current law on counterfeiting is contained in Part 5 of the Criminal Justice (Theft and Fraud Offences) Act 2001, which gives effect to the earlier EU measure in this area, namely, Council Framework Decision 2000/383/JHA.

The 2014 directive on the protection of the euro and other currencies against counterfeiting by criminal law updates and replaces the 2000 framework decision. The directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of counterfeiting of the euro and other currencies. The main focus of the directive is found in Article 3, which requires criminal offences in respect of making, uttering or importing counterfeit currency and possessing instruments and security features for making counterfeits. While for the most part the provisions on counterfeiting in our existing 2001 Act meet the requirements of the 2014 directive, it is necessary to make a number of amendments to this Act to align with the 2014 directive and fulfil our obligations under the EU *acquis*. In general, the offences provided by the 2014 directive already have an equivalent under the 2001 Act, but technical amendments are being made to update some of these existing defences. On 3 December 2020, the European Commission issued a reasoned opinion in respect of the remaining aspects of the transposition of this directive. There has been ongoing engagement with the Commission and we have identified the elements already provided for in Irish law. Several aspects arising from the directive are being refined and clarified by this legislation, including the import and export of counterfeits from non-EU states, the use of legal instruments for illegal purposes, the counterfeiting of non-circulated currency, possession of materials that may be used for counterfeiting, extraterritorial jurisdiction and liability of bodies corporate. These changes are contained in Part 2.

In addition to transposing the outstanding elements of the 2014 directive, the Bill will also provide for statutory powers in respect of monitoring, supervision, enforcement and some related powers in relation to three interrelated EU legal instruments which are binding in their entirety and directly applicable in member states. These are Regulation 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting; Council Regulation 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins

and handling of euro coins unfit for circulation; and Decision of the European Central Bank ECB/2010/14 of 16 December 2010 on the authenticity and fitness checking of bank notes. These measures are already in force and monitored by the Central Bank.

Part 3 will place existing practice on a statutory footing and give the Central Bank powers in respect to some firms which did not fall under existing financial regulation legislation. This Part addresses issues which are primarily the responsibility of my colleague, the Minister for Finance. Department of Finance officials have been actively engaged with the Department of Justice, the Central Bank and the Office of the Parliamentary Counsel on the drafting of the Bill. These changes will provide the necessary powers and functions for the Central Bank of Ireland in respect of monitoring and enforcement measures relating to suspect counterfeit euro currency and currency deemed unsuitable for recirculation. The Central Bank of Ireland is also the Irish branch of the European Central Bank and, as such, is responsible for, and needs the power to, fitness check the euro notes and coins we all use without thinking.

I move to the specific provisions of the Bill. Part 1 is a standard provision that sets out the Short Title of the Bill and arrangements for the commencement. Part 2 runs from section 2 to section 10. It sets out the amendments to the Criminal Justice (Theft and Fraud Offences) Act 2001 to give full effect to the 2014 directive. Section 2 is a standard provision providing for the definitions for Part 2. Section 3 amends section 232 of the 2001 Act to include definitions in line with requirements of Article 3 of the 2014 directive. These include the definition of “currency note”, “coin”, “counterfeiting instrument” and “security feature”. This section also provides for the interpretation of a word or expression used in this Part that is also used in the 2014 directive.

Section 4 creates a specific offence of making or altering a designated note or coin with the intention of passing it off as genuine. Section 5 creates a new offence of receiving, obtaining or transporting anything that a person knows or believes to be a counterfeit note, with the intention of passing it off as genuine. This complements the existing definition under section 34 of the 2001 Act. Section 6 substitutes the existing offence in section 36 of the 2001 Act in respect of receiving, obtaining and having control or custody of currency instruments, counterfeiting instruments or security features for the purpose of making a counterfeit note or coin with the intention of passing it off as being genuine.

Section 7 revises section 37 of the 2001 Act in respect of importing or exporting a counterfeit currency note or coin. Section 8 provides for extra-territorial jurisdiction in respect of the relevant offences under the Part. This refines the approach taken in the existing section 38 to provide a more robust approach. Section 9 provides for the liability of a body corporate. Section 10 amends section 39 of the 2001 Act by defining designated bodies, credit institutions, transporter of funds and payment service provider. The new definition of a credit institution will incorporate several institutions previously listed in section 39 of the Act.

Part 3 of the Bill relates to the obligations of relevant persons in respect of ensuring authenticity and fitness of euro banknotes and coins. It sets out the monitoring, supervision and enforcement powers required by the Central Bank and also provides for the obligations in respect of relevant persons. Section 11 provides the definitions that will apply to Part 3, including the relevant persons to whom the obligations apply. Section 12 provides for the functions and powers of the Central Bank of Ireland, CBI, including monitoring and taking measures to ensure compliance with EU instruments, ratifying the specific procedures referred to and performing specific controls and functions to which reference is made. Section 13 provides that the CBI

may impose requirements on relevant persons to take specific measures, including measures to rectify non-compliance with certain obligations and to comply with a condition of a permission granted by the CBI. Section 14 provides for regulation-making powers for the CBI to provide for circumstances where EU legal instruments specify national regulations. Such regulations shall be made after consultation with the Minister for Finance. Section 15 provides that where it is necessary for the purpose of the performance of its functions under this Part, the CBI may require a relevant person to provide information, records, plans, etc.

Sections 16 and 17 provide for the appointment of authorised officers by the CBI to perform the functions under section 12. Sections 18 to 20, inclusive, deal with the powers of an authorised officer to enter a premises for the purpose of the performance by the CBI of its functions under section 12. An authorised officer may not enter a dwelling unless the occupier consents or a warrant has been issued under section 20. These powers are modelled on the bank's existing authorised officer powers under the Central Bank (Supervision and Enforcement) Act 2013.

Section 21 provides that the provision of information by a person under this Part shall not be treated as a breach of any restriction under any enactment or rule of law and shall be without prejudice to the lien on the record or document. Section 22 provides that where a person refuses to provide or give access to information on the grounds that it is privileged legal material, that is, legal professional privilege, the CBI may, subject to certain criteria, apply to the High Court for a determination on that specific matter.

Section 23 sets out specific obligations in the relevant EU legal instruments that must be complied with by a relevant person and provides that a relevant person who fails to comply is guilty of an offence. Section 24 provides for High Court orders if a relevant person fails or refuses to comply with a requirement imposed by the CBI, while section 25 provides for an offence of obstruction if a person obstructs or impedes the CBI or an authorised officer, does not comply with a requirement to provide information, records or other documents which he or she knows to be false or misleading, or falsely represents himself or herself to an authorised officer. Subsection (3) deals with self-incrimination.

Part 4 of the Bill, comprising sections 27 to 31, inclusive, places on a statutory footing the designation of the currency centre of the Central Bank as a national analysis centre, NAC, for euro notes in section 27 and the designation of the coin national analysis centre, CNAC, for euro coins in section 28. Sections 29 to 31, inclusive, provide for consequential amendments to other Acts arising from the Bill.

In conclusion, the Bill will fully update Ireland's legal and administrative regime in respect of counterfeiting. As I mentioned, officials from the Department of Finance and the Office of the Attorney General have worked closely with my Department to draft this complex but necessary Bill. I thank both the Minister for Finance, Deputy Donohoe, and the Attorney General, as well as their officials, for their continued input and support. As is required by EU law, we have requested the observations of the European Central Bank, ECB, on the Bill and will consider these once they are received.

We are continuing to consult stakeholders in respect of certain provisions under Part 2 and it may be necessary to bring forward amendments on Committee Stage to further refine sections 6 and 8. We also intend to provide for appropriate commencement provisions in respect of Part 4.

As I mentioned, the transposition date in respect of one of the instruments, the 2014 direc-

tive, has passed. Departmental officials engaged with the Commission as the Bill was being prepared and a reasoned opinion was issued on 3 December 2020. It should be made clear that the vast majority of the requirements set out in the directive are already complied with by existing law or in administrative practice. It is not the case that there are significant gaps that we are filling. Rather, we are refining our approach to harmonise with the directive and place certain aspects on a clearer statutory footing.

This is ultimately a technical Bill, but it is important that we get it right. Ensuring a high level of trust in the currency is in everyone's interests. I look forward to working with Deputies on the details of the Bill.

Deputy Mairéad Farrell: Mar a dúirt an tAire Stáit, is Bille sách teicniúil é seo ach is Bille fíorthábhachtach é agus mar gheall air sin, beidh muid ag tacú leis. Beidh sé ag dul chuig na coistí agus ba bhreá liom dá mbreathnódh muid níos gaire ar pháirt 3 agus páirt 9. Tá na páirteanna sin fíorthábhachtach agus chóir dúinn breathnú níos géire orthu agus muid ag plé an Bhille sna coistí. There is a perception domestically and internationally that Ireland can be soft on white collar crime. On the issue of the transposition of EU directives which are designed to improve transparency and accountability and provide sanctions to deter those tempted to engage in wrongdoing, Ireland is often frustratingly slow to implement these directives. In fact, it sometimes seems that we are the unruly child who must be dragged by the ankles, kicking and screaming, to get in line with our EU peers. We were slow to implement the EU financial instruments directives which provided for greater regulation to increase transparency across European financial markets and standardise the regulatory disclosures required for firms. We were slow to transpose the EU anti-money laundering directive which was designed to combat money laundering and prevent the financial market from being misused for those purposes. In fact, we were so slow to implement this directive that the European Court of Justice ordered Ireland to pay €2 million in fines last year. That is remarkable, considering that a report by Europol found that between 2006 and 2014 Ireland had 2% of all reported suspicious financial transactions of EU member states. We have also been slow to implement the outstanding elements of the EU directive on the protection of the euro and other currencies against counterfeiting, which is the Bill that is now before the House.

As the Minister of State mentioned, this is a highly technical but very important Bill. The deadline for transposing the directive was 23 May 2016. Ireland is the only member state that is yet to transpose it. By way of background as it is quite technical legislation, the Bill provides for the implementation of several European instruments relating to the protection of the euro from counterfeiting. It concerns measures to ensure the appropriate authentication of euro coins and notes and it calls on member states to introduce criminal offences and sanctions relating to counterfeiting of the euro and other currencies. It introduces common measures in respect of same. The directive also addresses territorial jurisdiction and requires special investigation measures. The importance of protecting against counterfeiting lies in the need to ensure confidence and trust in the authenticity of currency. The Bill provides for a range of new powers and functions for the Central Bank of Ireland in respect of monitoring and enforcing measures relating to suspect counterfeit euro currency and euro currency that is not deemed suitable for recirculation.

Since its introduction in 2002, the euro as a currency has been continuously targeted by organised crime groups active in money counterfeiting. Counterfeiting of the euro has caused financial damage of at least €500 million. According to the ECB, there were approximately 24 billion euro banknotes in circulation, with a total value of close to €1.3 trillion. In the second

half of 2019, the €20 and €50 notes continued to be the most counterfeited banknotes, jointly accounting for over 70% of all counterfeits.

As the Minister of State outlined, this Bill comprises 31 sections and I certainly do not propose to go into all of them. I will merely touch on two of the sections which I think are the most pertinent and might need greater scrutiny on Committee Stage before making a broader point that I am worried this legislation will not address but which needs to be highlighted as it relates to wider criminality and white-collar crime.

The first section I wish to highlight is section 3, which expands definitions to include computer programmes, data and other means of counterfeiting. I note that the Government has made certain commitments on combating cybercrime in the report on the future of policing, including the provision of more expertise and resourcing for emerging areas of crime, especially related to technological innovation. It is worth flagging that there is concern that some gangs have become increasingly technically savvy and are able to use bitcoin and those kinds of things for illicit transactions. I hope that the additional resources that have been promised will meet the needs of the moment because laws are all fine and good but if these organised crime gangs are becoming more technically savvy than our law enforcement officials, there is a real risk they will be able to run rings around the law. Enforcement is, of course, key, as well as resourcing.

I also wish to flag section 9 of the Bill, which concerns criminal liability for corporate bodies where they or their staff may have been engaging in, or benefiting from, counterfeiting. However, just as was the case with the Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 we discussed two weeks ago relating to fraud and embezzlement against the EU budget, there is a significant defence created for these entities if they can prove they took “all reasonable steps and exercised all due diligence” to prevent such behaviour. I have concerns about this provision because this potentially provides a get-out-of-jail-free card for larger companies that might benefit from these activities, particularly financial institutions. A recent example of which we are all aware was the so-called Russian Laundromat, which showed the interactions between dark networks and white-collar crime. In other words, there are occasions when illicit financial transactions can use the licit economy to disguise the proceeds of crime. I would be concerned were there to be light-touch regulation that makes our financial system susceptible to misuse by those engaging in financial crimes. That is, of course, very concerning. Anyone who has ever reviewed some of the prospectuses for certain companies from emerging markets that list debt on the Stock Exchange and some of the questionable risks they list therein will know what I am talking about. This will need to be looked at more closely on Committee Stage but I flag those concerns today.

I also raise an issue that I do not think has been addressed by the various EU directives that have been transposed recently and which relates to organised and white-collar crime. It plays a key role in illicit financial transactions and touches on the idea that legitimate parts of our financial system can be used in the service of illicit purposes. The issue to which I am referring is the use of high denomination notes. High denomination cash notes are, of course, perfectly legal but the reality is there is considerable concern that they are primarily used by people involved in organised crime. We know that high denomination notes play a significant role in global money laundering, corruption, tax dodging and organised crime. We can all ask ourselves when was the last time we saw a €500 note in the flesh. I would hazard a guess that most people have never seen one, let alone had one in their possession. There is concern about that.

Over ten years ago, Britain's regulatory authorities banned the use of €500 banknotes in Britain after a study by the financial intelligence unit found that more than 90% of €500 banknotes in Britain were used by criminals. Tests by the Serious Organised Crime Agency revealed that it was possible to carry €25,000 in €500 notes in a cigarette packet, €300,000 in a cereal box and €1 million in a small briefcase. That provides a stark visual for how these high denomination notes can be used and how easily they can be transported. The €500 note is the highest value euro banknote and was produced from the introduction of the euro in 2002 until it stopped being printed in 2014. Two years ago, the printing of this banknote was stopped by central banks in the euro area but it nevertheless continues to be legal tender and can be used as a means of payment. Whether it needs to be taken out of circulation altogether needs to be looked at.

Mar a dúirt an tAire Stáit ag an tús, tá sé fíorshoiléir gur Bhille sách teicniúil é seo agus go bhfuil sé tábhachtach. Mar sin, táimid ag tacú leis. Beidh sé an-suimiúil é a phlé sa choiste agus mar a dúirt mé, ba cheart dúinn breathnú ar an dá alt sin, alt 3 agus alt 9, chun cinntiú go bhfuilimid ag déanamh chuile rud gur féidir linn chun stop a chur leis an gcineál oibre seo nó an misuse ar chúrsaí airgid. Tá súil agam go ndéanfaidh muid chuile rud gur féidir linn chun stop a chur leis seo.

Deputy Mark Ward: We cannot be soft on white-collar crime. White-collar criminals should not be allowed to operate under a shroud of acceptability. There is a direct connection between the visible crimes that we see daily and white-collar crimes. Proceeds from street muggings, car break-ins, burglaries and other daily occurrences in our streets filter their way up to white-collar criminals and just because these white-collar criminals do not have dirt under their fingernails does not mean their hands are clean.

Money laundering, cybercrime, counterfeiting and fraud are the tools used by these white-collar criminals. Mixing with the so-called upper echelons of society and displaying the trappings of their ill-gotten gains through fancy homes, fancy cars and golf club memberships give these white-collar criminals an air of respectability they do not deserve. They walk around in their flash suits, looking down their noses at people in tracksuits. With the click of a button on a laptop, this dirty money gets moved from one place to another and comes up clean on the other side. We need to put things in place to stop this from happening.

I note the Government's commitment on cybercrime in the report on the future of policing but commitments are not worth the paper they are written on unless they have political will behind them. Commitments need to be resourced and enforced. We cannot be soft on cybercrime. We have all seen recent headlines about serious organised crime in this country. Organised counterfeiting and fraud are only possible with the types of immense resources possessed by large criminal gangs.

Most things in life have a way of filtering down but dirty money also filters up. The money that the mother borrowed from the credit union to pay the drug debts of her child flows right up to the modern skyscrapers where, at the click of a button, it is sanitised. A recent report stated that a quarter of the people in Dublin's north-east inner city have experienced drug-related intimidation and over 80% see it as an issue but less than one in five would report it. Drug-related intimidation is not confined to one area of Dublin. I have met parents in my own area who have been forced to pay drug-related debts that their children have accumulated. The debts that the children apparently owe these unscrupulous dealers are frequently exaggerated to parents who end up paying exorbitant amounts back to these dealers for fear of reprisals. Is this not fraud at a very base level? This is the money that flows up to these white-collar criminals.

In response to a parliamentary question I asked about the amount of assets seized by the Criminal Assets Bureau, CAB, I was pleasantly surprised that there has been an increase in the amount of money seized. In 2019, almost €65 million was seized by CAB. While I welcome the seizure by the State of this ill-gotten money, it is just the tip of the iceberg of what is going on. That €65 million originated in areas such as my own. It originated in the purses of mothers paying drug debts for their children. The money originated in areas with high levels of deprivation and poverty caused by systemic failures in Government policies. The money currently goes back to the Exchequer but it should be ring-fenced to build resilience in the communities in which it originated. It should be ring-fenced for local drug task forces, mental health groups, family resource centres, unemployment services and other community groups that have been failed by successive Governments. I suggest that the assets seized by CAB are just the tip of the iceberg.

Section 9 creates a criminal liability for corporate bodies where they or their staff may have been engaging in or benefiting from counterfeiting. If they can prove they took “all reasonable steps and exercised due diligence” to prevent such behaviour, that will be their defence. This potentially provides an out for large companies that might benefit from these activities. This cannot be allowed. I want to be clear that the interaction between cybercrime and white-collar crime should not be subject to a light touch in this country, and that we must look at this more closely on Committee Stage.

Deputy Ruairí Ó Murchú: I do not think anyone is particularly shocked that there is a need to update and streamline the legislation on counterfeiting, given the multiple issues that have occurred recently. There have been cross-jurisdictional issues concerning material and the question of who is liable. Technology has changed in recent years. We must also ensure there are processes in place so that those involved in financial institutions can pass on information in cases where they believe there has been counterfeiting or white-collar crime. As Deputy Ward said, the connection between what we sometimes term white-collar crime and the cleaning process is not that much removed from the organised crime and drugs gangs ravaging communities.

Deputy Mairéad Farrell outlined that at times the State has been slow to update and upgrade infrastructure and legislation and that sometimes we have been behind the curve. I welcome the fact that the Minister of State, Deputy James Browne, and the Minister, Deputy McEntee, are taking the issue head-on. We have had numerous pieces of legislation, which is positive. We will support the Bill proceeding to Committee Stage to ensure we have the legal framework, capacity and infrastructure to deal with white-collar crime, surveillance, investigation and enforcement. We cannot leave any stone unturned in that regard.

As I do in many such speeches, I ask for some leeway in terms of seeking a response from the Minister of State. We are dealing with cybercrime and the need for the State to have the capacity to deal with it. I wish to ask the Minister of State about the capacity of the National Cyber Security Centre. Previous speakers referred to the fact that the report on the future of policing indicated that we need to improve our capacity to deal with cybercrime. We are all aware of online and tech scams giving rise to major issues that impact on people. They include the impact on electoral contests by state and non-state actors using the communications infrastructure. Issues arise with tech companies and ensuring we have best practice and truth. We are all aware of the difficulties. Reference has been made to certain elections in America and even the Brexit referendum. There is a crossover between elections, crime, best practice and publication laws regarding tech firms and we must sort it out. I want to know where the responsibility falls and who will be the main players. We are talking about this being a cross-

departmental issue involving the Defence Forces and the Garda. Will it be the responsibility of the National Cyber Security Centre or will there be a body similar to the FBI and the National Security Agency, NSA? What are the plans in terms of updating the legislation and ensuring we have the capacity, infrastructure and personnel to deal with cybercrime and its connection with organised crime? I would appreciate if the Minister of State could provide me with an update in that regard.

Every time I have spoken in any debate relating to crime, I have made a point about the drugs pandemic. I spoke on it in the House yesterday. The Minister has already said she is seeking to deliver legislation on the proceeds of crime, in particular to divert the proceeds of drug dealing to fund front-line services. However, it should not be the only source of funding. All the groups talk about the need for multi-annual funding. It is a natural justice aspect of the issue that needs to be sorted. The Minister of State, Deputy James Browne, and the Minister, Deputy McEntee, must persuade the Taoiseach to set a date for a Citizens' Assembly to deal with the drugs pandemic, notwithstanding the Covid difficulties. I would also welcome an update on the plans for a youth justice system that is fit for purpose. If I recall correctly, the University of Limerick, UL, Greentown study, indicated that up 1,000 children could possibly be open to involvement with criminal gangs, so we need something that is more fit for purpose than what we currently have.

Deputy Catherine Murphy: We will be supporting the Bill. Once again, we find ourselves in a position where we are transposing a very long overdue EU directive. The purpose of the Bill is to transpose outstanding elements of Directive 2014/62/EU on the protection of the euro and other currencies against counterfeiting by criminal law. The directive calls on member states to introduce criminal offences and sanctions relating to counterfeiting of the euro and other currencies. It introduces common measures in respect of that. The directive also addresses territorial jurisdiction and requires special investigation measures. Has there been a regulatory impact assessment on what additional resources must be provided to ensure that this can be properly applied? The importance of protecting against counterfeiting lies in the need to ensure confidence and trust in the authenticity of the currency.

The deadline for transposing the directive was 23 May 2016. Ireland is the only member state that is yet to transpose the directive. As I stated last week, we often hear from the Government that we are good Europeans. However, in this particular context we have a mindset that is quite poor at transposing EU directives. Very often it happens when we are threatened with a fine or other sanction. We must change that mindset. We debated the Criminal Justice (Theft and Fraud Offences) (Amendment) Bill last week. That was due in July 2019. This country and Romania were threatened with fines. The deadline for the mutual recognition of custodial sentences Council framework decision of 27 November 2008 was 2011. The deadline for the control of the acquisition and possession of weapons directive was 2019. We can all give such examples, but we must change our behaviour in this regard. Very often the legislation is technical and it is difficult to figure out why we are repeatedly late.

We support the introduction of the Bill, but there may well be issues on which we will table amendments. The ECB reported that the amount of counterfeit notes taken from circulation in 2020 was at all-time low. A total of 460,000 euro banknotes were withdrawn from circulation last year in comparison with 559,000 in 2019. In 2016, the year in which this directive should have been transposed, 684,000 counterfeit notes were found and removed from circulation. Approximately two-thirds of those withdrawn in 2020 were €20 and €50 banknotes. The ECB stated that these notes were all low quality reproductions, poor imitations of the real thing, and

were easy to detect even by turning them over and examining them. Shopkeepers pay particular attention to that when alerted.

There was a significant drop in the number of counterfeits in the latter half of last year. That is probably an indication of the effect of the pandemic on the amount of cash in circulation. This trend is likely to continue because once people make a change, they tend not to go back. All methods of spending experienced a sharp decline in the early part of the first lockdown. The decline in ATM withdrawals was greater than the decline in card spending. While the number of ATM withdrawals has decreased, the average amount withdrawn is higher than historical averages. This shows a trend towards cashless transactions, with people reducing the number of times they use an ATM. Successive lockdowns have pushed consumers on to online platforms, while the raising of ceilings for contactless payments and the increased number of businesses accepting cash has encouraged card use. This trend has been replicated across Europe, with France set to shut down more than a third of its cash-handling centres by the end of 2022. As the Covid pandemic accelerates, the decline in the use of notes and coins is accelerating.

As our spending habits have changed considerably over the years, so too has the type of fraud we face. Previous speakers have described that well. While counterfeit notes and coins were the primary problem in the past, online and credit card fraud are now the main concern. In 2019, criminals made more than €22 million through more than 250,000 fraudulent credit and debit card transactions in Ireland. We saw one such high profile case being prosecuted successfully in the courts recently.

The Banking Payments Federation of Ireland, BPF, noted that losses due to credit card fraud were down by 49% compared with 2016, with the decrease in fraud being even more marked when compared with the 28% increase in credit and debit card usage in the same year-long period. More than 90% of card fraud took place online rather than in-store. The decline in card fraud could be attributed to a combination of better detection and fraud monitoring systems put in place by banks as well as consumers becoming more aware of the risks of fraud and the ways they can protect themselves. The decline is promising but more effort is always required to drive these figures lower, especially with the increase in online shopping under Covid-19 restrictions.

Younger people in particular are at increased risk of fraud due to online shopping behaviour. Research carried out by the BPF found that 39% stated they sometimes or always click on links in social media and advertisements rather than visiting the relevant sites independently. The number jumped to 59% among those aged between 18 and 24 years. Some 35% stated they rarely or never check the security of a website that they are shopping with. Women are much more likely than men to click on links in social media advertisements and less likely to check for the padlock symbol. Men are much more likely to send their card details by email, use public WiFi when making payments and purchase from unfamiliar sites. That indicates that there has to be a targeted approach in messaging. Particular groups are more trusting and there has to be significant effort to try to reduce that.

Public information is as good a vehicle as some other systems that have been put in place. We need to ensure that we are keeping up with developments in fraud and that the protections we have in place for consumers are sufficient. The fight against fraud is a matter of constant evolution and investment. Whenever new technological developments are put in place to protect against fraud, it is a countdown until fraudsters will find a way to work around those new systems.

11 February 2021

We must be more timely in implementing protections against fraud and staying ahead. Looking at historical cases of counterfeiting and how it has changed, one might laugh at some of the things that happened in the 19th century. Coins were a focus of counterfeiting. Two articles indicate this. In Dublin, detectives stated that they found prisoners in the act of making coins, consisting of penny pieces made of “spurious bronze”. They were base coins. The article refers to a number of moulds. The coins were seized and there was a court case as a consequence. Another article refers to poor quality florins, a two shilling coin. There are about five of those in a euro. Detectives were sent out to investigate this. There have always been people who will try this and money has always been a target of fraud. It is a question of staying ahead and there has been an acceleration with online services, where there will be significant exposure to fraud. We have to do better in making sure that we transpose these directives in a more timely way. We worry about our reputation but we do not do it any good by being laggards.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this important legislation. I will comment on the extent to which technology is moving ahead and making it easier for authorities to counter money laundering and criminal gang activity. However, technology is also available to those who do not obey the law. There is ample evidence to tell us that these criminal gangs use updated technology to progress their organisations and that they do so effectively. We have all had experiences of attempted infiltration of our mobile phone systems, especially over the past weeks. The same applies to financial services and attempts made by gangs to infiltrate the system.

When the original EU legislation was passed, as far back as 2010, or 2014 in this case, it was deemed to be necessary at that stage and it was submitted for transposition into legislation in Ireland and the domestic legislation of other European countries, but we have only got around to transposing it now. I know we can say we were otherwise engaged with Covid, elections and so on but we need to show greater urgency in how we address such legislation in future. Every moment lost is time given to those who use modern technology to make a profit and to enhance their own futures and the control they have. I hope that the Minister of State will note that the transposition of any EU legislation into Irish law in the future should be done at an earlier stage. We should do so at the very first opportunity unless there are compelling reasons to do otherwise.

Another point worth making regards the extent to which authorities in this jurisdiction were involved in submissions made to the EU authorities when the original legislation was introduced at that level. Any delays in the interim period could be very costly. We need to be alert to these challenges in the future. They do not go away. They are ever present. From what we have seen of the activities of organised criminals in this jurisdiction, we know that such activities have not diminished and that these criminals have enhanced their roles, their technology, their activity and their profits. We need to take account of that and to ensure that, where possible and where there are not compelling reasons not to do so, EU directives are transposed into Irish law. I hope that can be taken into account.

I am sure the Criminal Assets Bureau made submissions regarding the need for this legislation in the beginning or that it was at least consulted, as it should be. I congratulate the bureau on its efforts in countering and challenging national and international criminal activity. I hope that its current spate of successes can continue well into the future. I hope the day will come when the need for the bureau will not be as great as it now is. I am not sure such a day will come. As long as there are possibilities for people to make a profit at the expense of the general public or governments, they will do so. It is up to us, as legislators, to put in place the necessary

provisions and obstacles to obstruct such activity.

Deputy Catherine Murphy mentioned the extent to which cash transactions have diminished over recent years, and over the last year in particular for obvious reasons. I agree with the Deputy but the legislation should not be constructed in such a way as to discommode the public to any great extent. We need to encourage and protect the public to ensure that they can carry on their business normally without interruption or threat. It is a matter for us to ensure that procedures are put in place to disturb, distract and discommode national and international criminal actors. I emphasise the international aspect. We are aware of Irish connections to criminal activity across the globe in virtually every country in Europe and outside of it. Irish people are regularly involved in scams and illegal profiteering through this system. It is essential that we note these issues and put such information to good use in determining how to deal with them.

I congratulate the Minister of State for bringing forward this legislation, subject to my comments on timing. I ask that a review be carried out of all EU legislation whose transposition into Irish law is pending. Perhaps such an assessment might be done with a view to identifying the most sensitive areas in which intervening at an earlier stage might be most beneficial.

Deputy Patricia Ryan: I thank Mr. Daniel Hurley, parliamentary researcher, for his very informative digest of this Bill. The purpose of the Bill is to transpose an EU directive to make provision for three EU instruments dealing with the authenticity and fitness checking of euro banknotes and coins and measures for the protection of the euro against counterfeiting. The deadline for transposing the directive was 23 May 2016 so this legislation is a long time coming. Ireland is the only member state of the EU, apart from Denmark which is not in the euro area and which has opted out, that is yet to transpose the directive. This is inexcusable. We should, and must, do better.

It is interesting to note that the majority of the counterfeit notes are in the mid-range. Some 34% of counterfeit notes are €20 euro notes and 37% are €50 notes. A strengthening of the law in this area is long overdue. Counterfeit money is often passed in smaller shops and this can have a great effect on the profit margins of those shops. As a former volunteer in a charity shop, I know from personal experience that these shops have been targeted by counterfeiters. This can have a detrimental effect on the money they raise. They need this money to help many deserving causes. I am reminded of my school days, many years ago, when I first heard of Gresham's law. This is the economic maxim that bad money drives good money out of circulation. I understand that the incidence of counterfeiting is relatively low in Ireland but that it often funds other illegal activity. It is welcome that we are strengthening the law in this area.

Deputy Michael Collins: As well the Minister of State knows, this Bill provides for the transposition of outstanding elements of Directive 2014/62/EU, a directive on the protection of the euro and other currencies against counterfeiting. The directive calls on member states to introduce criminal offences and sanctions relating to counterfeiting of the euro and other currencies. It introduces common measures in respect of same. The directive also addresses territorial jurisdiction and requires special investigation measures. The importance of protecting against counterfeiting lies in the need to ensure confidence and trust in the authenticity of currency. The deadline for transposing the directive was 23 May 2016. Ireland is the only member state that is yet to transpose the directive. The directive supplements and facilitates the 1929 International Convention for the Suppression of Counterfeiting Currency and its protocol, to which Ireland is a signatory. This requires that signatories to the convention ensure that sufficiently severe criminal penalties exist in respect of counterfeiting offences and sets out rules

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with regard to co-operation and jurisdictional issues.

I fully agree with the imposition of strict penalties for people who are involved in this kind of criminal activity. It is a serious threat to businesses in my constituency and throughout the country. This is a real threat to the livelihoods of the owners of small and medium-sized businesses. If they receive counterfeit money over the counter and do not realise that it is counterfeit, it will be lodged to the bank where the value of the counterfeit notes is taken out of the lodgement, leaving the businesses high and dry without any comeback. This is another attack on small businesses. To be honest, it would be an attack on any business but is particularly severe for small businesses. Every effort must be made to protect small businesses at this time. We must protect the local publican, the local shopkeeper, the local post office and so on. The opportunists carrying out these crimes have very little sense of the hardship they cause for businesses who suffer losses as a result.

I commend the community alert groups and business watch organisations that have been set up in towns. They are vigilant and immediately send out messages if counterfeit money is handed in over the counter in an area. This gets the word out quickly and lets people know that they have to be more careful. I pay tribute to these business watch and community alert groups because many of those involved are volunteers who are trying to make sure the community and the businesses in a locality are safe.

There are opportunities out there. Young people are trying to come up with good ideas that work.

11 o'clock

I spoke yesterday evening about the BT Young Scientist and Technology Exhibition award where the winner, which is a great honour to west Cork and to the excellent Bandon Grammar School, was Gregory Tarr. He is 17 years of age and is a sixth year student and won the top prize for his project in detecting state-of-the-art deepfakes. This is a tremendous achievement for a very young man who has an incredible world ahead of him. Deepfakes are videos or images in which a person's face or body has been digitally altered in order that they appear to be somebody else and are often used to spread false information. In another sense, that is exactly what we are talking about here. I note a 17-year-old could come up with a solution in Bandon. I was lucky enough to meet this young man the year before at the BT Young Scientist and Technology Exhibition. We were allowed to attend there when there were no restrictions and I knew that this young man had tremendous potential. I see other schools throughout the country and in the little time that people have, the best time way they will ever spend it is inside this BT Young Scientist and Technology Exhibition awards. I have seen programmes in schools in Bandon including Hamilton High School, as well as others in Clonakilty and Skibbereen and back in to Schull, Bantry and Dunmanway, all of which have entered competitions, where young people come up with ideas to counteract the kind of scams that are going on. Gregory's project involved detecting state-of-the-art deepfakes.

The funny thing is that when I asked Gregory whether the big social media companies such as Facebook or whatever had been in contact with him about his achievement and the answer was "No". It is great to have such young people, where we hear so much criticism of them sometimes, and there are some magical young people. There was also a lovely project from other students about birds being covered with oil as a result of leaks where sheep wool was identified as a way of dealing with the problem. Gregory's project was something akin to what

might resolve a great deal of counterfeiting that is going on out there. There were no supports from the social media giants and no snapping up by them of this opportunity or encouraging this young man, who has a great talent, to go further. I am very proud to think that he is a west Cork man.

I hope we will come down strongly on those who are carrying out this counterfeiting of any sort, be it scamming on a card or on a person's cash when they are passing it over the counter. The only way these people will be beaten is with heavy penalties and, when they are sentenced, that they be given the full sentence and will be made pay for their crime in the prisons of this country.

Deputy Richard O'Donoghue: This Bill is to be welcomed, as any protection of the euro and other currencies against counterfeiting will benefit all members of the EU. There is a great importance in ensuring that the euro coin and notes are authenticated. The introduction of a criminal offence and sanctions relating to counterfeiting of the euro and other currencies will be of benefit and a knockback to criminals and crime. The only point I would like to raise is that the deadline for this Bill was 23 May 2016. Ireland is the only member state that has yet to transpose this directive. It seems that since 2002, counterfeiting of the euro has cost €500 million. What has been the impact on Ireland during this time? It is about time we have trust in our younger generation because it seems that the only way of combating crime in this country is by trusting in this generation. Why? Because their use of these information technology, IT, instruments is beyond belief. Deputy Michael Collins mentioned the young scientists a couple of minutes ago and they are coming up with ways of counteracting crime. We have all been privy to videos being put up about us that are all mixed together and untrue. A young scientist representing this country found a way of authenticating these type of videos.

The way forward for us, and it is been shown that since 2016 we are lagging behind in addressing this, is to trust in the young generation that can help us. They are miles ahead of us when comes to IT and pick it up a lot more quickly than we can. We should now entrust in education and allow them to educate us in order that they can actually help us combat crime. The amount of counterfeiting that is happening in this country may be small but the direct result for the businesses that are affected is the losing of their profits, which are minimal. When counterfeit notes go into the banking system when people are making their lodgements, the banks try to hold these notes. These notes should be brought back out, given to the person that has them, and the people should then be going to the Garda directly themselves in order to try to trace these notes to make these people accountable and to try to help the self-employed people in this country. At the end of the day that is their business and their livelihoods and we need to do whatever we can do to help.

In conclusion, I will take one minute, on a point of order from yesterday, where I saw a party yesterday going personal on another member of our Independent Group. It is absolutely disgusting when one sees a member of the Labour Party making personal comments about Deputy's personal lives.

Acting Chairman (Deputy John Lahart): The Deputy is out of order.

Deputy Richard O'Donoghue: I may be out of order but so was the Labour Party yesterday and as regards any employer in this country, and I will finish on this, and I will bring it back to make it relevant-----

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Acting Chairman (Deputy John Lahart): The Deputy will finish it now.

Deputy Richard O'Donoghue: I will make it relevant as I still have time on the clock.

Acting Chairman (Deputy John Lahart): The Deputy is finished now on that topic as this is not relevant to the debate. I ask the Deputy to respect the Chair. If the Deputy is finished his contribution, I will now go now to Deputy Mattie McGrath-----

Deputy Richard O'Donoghue: This is about self-employed people who are not afraid to employ people and this should not be made personal-----

Acting Chairman (Deputy John Lahart): This has nothing to do with the Counterfeiting Bill, as the Deputy knows well. I call now Deputy Mattie McGrath.

Deputy Mattie McGrath: Gabhaim buíochas leis an gCathaoirleach Gníomhach. This is nothing to do with counterfeiting but if the cap fits, someone must wear it. It is a pity when personal attitudes come into the situation.

Acting Chairman (Deputy John Lahart): This is now about the Counterfeiting Bill and I ask the Deputy not to try my patience.

Deputy Mattie McGrath: I thank the Acting Chair for his indulgence.

Acting Chairman (Deputy John Lahart): I have not indulged the Deputy.

Deputy Mattie McGrath: He might have to yet so I thank him in anticipation, if that is all right.

I will make a number of brief comments on this Bill. I have questions to ask the Minister of State. Is í an chéad cheist ná cén fáth go bhfuil an Bille seo ceithre bliana déanach? Why has it taken four years and are we four years behind? I know that the current Minister of State was not in office then but Departments seem to be lagging behind here. The Bill provides for the transposition of outstanding elements of Directive 2014/62/EU on the protection of the euro and other currencies against outstanding counterfeiting. We know that we nearly lost the euro back in 2008 and 2009 and we know the price that we paid in this country, and that our grandchildren, as well as those of the Cathaoirleach Gníomhach, will pay for the bailing out of the banks then to the tune of €69 billion. The Taoiseach said recently that we had no bailout. He would appear to have a selective memory loss on this point. It is very important that we do.

I welcome this in ways but in other ways I am worried. How many other items of legislation are waiting out there from the EU with demands, pressure, fines, or whatever way they operate, for us to implement at its behest? Where is the sovereignty of our own Parliament and our own self-determination gone? I was quite young at a time in 1973 but I remember putting up posters and helping out when we joined the EU and we had great hopes for it. We had many benefits from the EU but it now all seems to be payback time. I know that we are net contributors now rather than beneficiaries. The Taoiseach tried to dress up the last deal as a good one but it was a horrible deal.

There are huge areas here for roguery and skulduggery and we should be acting to stop that anyway, on our own terms, without being prodded, nodded and coerced by the EU. As has been said by others, mol an óige agus tiocfaidh sí. I was party to the Zoom meeting organised yesterday by Teachta Naughten on the young scientist competition. We all miss that competition

this year and the innovation and expertise displayed there. It is great to see where those young people can bring us. A question was posed to a young chap from Bandon in west Cork, I think, regarding whether he had been contacted by any of the technology giants and he replied that he had not. Perhaps he did not expect to be or want to be, but at least the ideas exist. We must bring them forward and let the young people show us what they can do.

I am very poor with IT skills and everything else, but this is an area where there are major possibilities online for the undertaking of deceit, deception and downright fraud. Earlier speakers referred to people getting offers online and we know the pressure that is inadvertently putting on local small traders, who cannot compete. There are grants available to help people to go online, but that is a big area.

In his reply, the Minister of State might address the question of how much more legislation there will be and why we are four years déanach in transposing this measure. I reiterate that it is a Wild West situation with banking in this country. I have been dealing with banks since the late 1960s or 1970. I do not have the best of eyesight, but I always hold up the euro notes to see if there is a line running through them. My understanding, however, is that the tellers, or whoever counted the notes when they came into the banks, who signed off on notes that were not legal tender then had to pay those costs from their own pockets. I also have a business and I am an employer, and I could not and would not treat employees like that. We all have break-ages and damages and whatever, but we work to do our best and we do not have measures to punish employees. It seems however that the banks can do whatever they like, and can punish the customers 24-7. I will not use the adjective to describe what the banks do to their customers, but it starts with an “s”, and it seems that they can also punish their staff.

We also have hard-working people behind counters in shops, fast-food outlets, takeaways or any kind of small businesses facing this situation of counterfeiting, and this is an even worse situation in respect of counterfeiting for businesses that are bigger, such as funeral providers. If counterfeit notes come in, wherever that cash is drawn from, even sometimes from credit unions, then that business is in trouble. Irish businesses deal mainly in good faith. We deal with people on an honest basis. People sometimes get money and do not know that some of the notes are counterfeit. Unsuspectingly, they then pass on those notes. That is a genuine mistake.

However, then there are crimes and people out there committing those crimes. I salute CAB and the different forensics units in An Garda Síochána. I especially salute CAB for undertaking a big operation in the south of my constituency yesterday and freezing €540,000. We cannot have enough CAB operations. In this area, as well, I want to support community policing. Those guards get to know people, and since the onset of Covid-19 we have seen a return to what those guards are best at, namely, going into people’s houses and kitchens and helping out the elderly and vulnerable in communities - ní neart go cur le chéile - and getting to know people. That is the way in which it is possible to get to know people and that, in turn, will lead to getting information. It is not about a barracks being open, but about engaging on the ground.

If the Acting Chairman will allow me to digress a small bit - I did ask him earlier for some indulgence - regarding community policing, all those cars are being withdrawn now. The Acting Chairman will have seen this in his constituency in Dublin. It is a big disappointment. This is an important point, and community policing is very important-----

Acting Chairman (Deputy John Lahart): I am not denying that point, but this has nothing to do with this Bill.

Deputy Mattie McGrath: Of course it has. The community will get information-----

Acting Chairman (Deputy John Lahart): The Deputy's point is nothing to do with the topic of counterfeiting and this Bill.

Deputy Mattie McGrath: It has of course because if the community guards stand in people's kitchens and get to know the families and the people, and who is a bit dodgy in an area and garner other information like that, they will be able to pass it on. It is important to know where someone has a lot of cash, when people are wondering about how those people have that money and their means of getting it. That is very important, and goes back to basics and solving crime. Whether in the context of counterfeit notes or daylight bank robbery, it is important to have the community connection. Those guards will get the trust of the people. I am not calling those people who provide the information "informers", because that word has gone out with the Flood; they are civic-minded people telling about things going on that should not be going on. We must support them.

I salute the community gardaí, such as those under Sergeant Moloney in the Cahir district, namely, Garda Jenny Gough and Garda Noel Glavin. It is the same in Clonmel, and all over County Tipperary. It is a pity that in respect of visibility alone, all those cars are being taken back and these community policing units are again under pressure. We need them in the community. It is not possible for An Garda Síochána or any police force in the world to operate and combat crime, whether involving counterfeiting or violence against men or women or anything else, without the support of the public. That has been learned the world over. We need the support of the public and community gardaí are what we need to get that support. I refer to the old style of policing, involving going into people's houses, where people have the information, and supporting them. It is the old style of policing and it will come back in spades.

It is very easy now for scammers with card payment and transactions, especially with those cards that can be just swiped and do not require a personal identification number. There are great opportunities for fraud in this area, and we must be able to deal with this type of activity. Small businesses are wide open to being plundered. Goodness knows, they are troubled enough and under enough pressure now without having all this technical fraud. We, therefore, need the CAB to be reinforced and all the units of An Garda Síochána to be able to deal with that type of crime. All gardaí must be re-educated in respect of this area as well, like people in any walk of life, my own included. We learn something every day, and it is a bad day when we do not learn something new.

These criminals not only can be ahead of us, but they normally are. They are international, and we saw actions in the regard yesterday in different countries against Irish criminals. These are widespread cartels, with expansive and expensive networks, and it is important that we reinforce this legislation. My question remains about why we are four years late with this, and how much more legislation is lined up. We had one Bill, I think it was last week, for which we were fined in this regard. Why are we so slow? We must also be ever careful that we also do not diminish our sovereignty. It is time that we wore two hats, I suppose. I refer to having the benefits of European membership, and it is important that they can nod us along to bring in this legislation. We should also, however, bring forward our own legislation to deal with these kinds of issues. It should be introduced, debated and legally scrutinised here and put in place.

Deputy Matt Shanahan: Counterfeiting refers to something capable of "passing for a currency, note or coin of that description, or if it is a currency, note or coin which has been so

altered that it is [...] capable of passing for a note or coin of some other description". That is a long way around of saying a fraudulent copy. Ireland is the last country to transpose this 2014 directive on the protection of the euro and other currencies against counterfeiting.

The main planks of the directive call on member states to introduce criminal offences and sanctions concerning counterfeiting of the euro and other currencies. The directive also addresses territorial jurisdiction and calls for special investigation powers and measures. Transposing this directive into law will conjoin Ireland with protecting against counterfeiting to ensure continued confidence and trust in the euro currency. Without an integral value, supported and controlled by international law, nobody could have confidence in dealing in the euro, thereby threatening the financial stability of the EU.

Financial probity, integrity and resilience is the bedrock of a currency, and this can only be ensured by adequate, co-ordinated laws to protect against currency counterfeiting. The Bill is set to provide for a range of new powers and functions for the Central Bank of Ireland regarding monitoring and enforcement measures relating to suspect counterfeit euro currency, and in respect of currency not deemed suitable for recirculation. Included in this legislation is a designation of the currency centre of the Central Bank of Ireland as a national analysis centre for euro notes and coin, and the national analysis centre for coin for euro as well. The legislation provides for offences committed by a body corporate, or which are attributable to a person who is a director, manager, secretary or other officer of the body corporate, such that a person as well as the body corporate may be found guilty of an offence.

Counterfeiting has long been a lucrative trade and is often perceived as a victimless crime, unless, of course, one happens to be the person receiving the counterfeit moneys as payment. Since 2002, organised crime groups active in counterfeiting of the euro have caused financial damage worth at least €500 million. Without robust laws and oversight this figure will be far higher, causing not only debt but also having the potential to erode market sentiment in trading euro-denominated holdings. It is in the interests of the Union as a whole to oppose and pursue any activity likely to jeopardise the authenticity of the euro currency by counterfeiting.

The national analysis centre will examine suspect counterfeit bank notes and coins that are sent to the Central Bank. It has a duty to examine, record and monitor suspect counterfeits as part of a strategic defence to counterfeit activity. The national analysis centre is also tasked with providing training on counterfeit detection to professional cash handlers, members of An Garda Síochána, customs officials and other bodies. The courts must also recognise the loss that can occur as a result of counterfeiting as well as the overall system vulnerability to large and wide-scale counterfeiting, which could have a macroeconomic effect for Ireland and for other member states. As such, significant criminal sentencing must apply to those who actively collaborate to support counterfeiting.

Euro banknotes have been undergoing a series of security improvements in recent years. The more recent Europa series provides for more sophisticated security measures aimed at ensuring the security of the currency. A range of print and security features is being rolled out to improve the identification of approved euro notes and confound possible copying. The ECB also provides training material to complement cash handlers training in the form of an e-learning course covering the characteristics, authenticity and fitness of banknotes. Despite these improvements, the eurozone reports for the second half of 2019 note that 308,000 counterfeit euro banknotes were withdrawn from circulation in the second half of 2019. This represents a 22% increase when compared with the first half of 2019, and a 17% increase on the second half

of 2018. Of these counterfeit notes, 96% were found in other euro area countries. This demonstrates the need for vigilance, training systems and detection devices for businesses in Ireland which handle predominantly cash payments.

Ireland has come a long way in how we do business and deal with money transactions. Cash payments are becoming less commonplace as we appear to be moving towards an almost cashless society. Nonetheless, we need to know that our currency is solid and secure. The proposed changes called for by ratifying this directive will keep us in lockstep with our European partners in protecting our common currency and providing protection to our consumers. Given that we have prevaricated on this issue and that there is an understanding now, most forcefully as a result of Covid, that Berlin is definitely closer than Boston, I propose that the House move appropriate legislation to meet the requirements of this directive and resulting legislation at the earliest opportunity.

Deputy Verona Murphy: As I address the issue of protecting the euro in this debate on the Counterfeiting Bill 2020, there is no doubt as to its importance in protecting businesses from interference by the production of counterfeit money in whatever currency, euro or otherwise. By passing the Bill, we will give effect to implementation of the EU directives as required by EU member states, with Ireland being the last to do so.

It is, without doubt, a necessity to safeguard the euro from the threat of counterfeit notes. Protecting the euro currency, however, does not begin and end with counterfeit production. Unfair competition or unfair trade practices for businesses that damage trade within the EU also damage the euro. I emphasise that it is necessary to state the equal importance of other factors, such as unfair competition and trade practices. These can have a monumental effect on any country and are capable of causing at least as much damage, if not far greater damage, as that caused by counterfeiting of currency.

Since 1 January, Ireland has suffered as a result of Brexit and the reintroduction of EU regulations as the transition period ended and the UK finally and fully exited the EU. The EU discussed for over four years a path to allow as near as possible a seamless transition for trade to continue from 1 January 2021. Ireland's fate was in the hands of Michel Barnier's negotiating team. Our fishermen lost upwards of 15% of their fishing quotas and we are learning daily of the other detrimental effects as we see trade slow to 1990 levels and State agencies in constant denial that there are problems. Tell me this is not affecting the euro. Anything that damages a member state damages the whole Union. A diminution in trade will weaken the euro as much as counterfeiting, if not more.

We laud the fact that we have received €1 billion from the EU as a consolation prize for the onslaught of the Brexit negotiations. It is incredible that while Ireland took on billions of euro in debt ten years ago to save the euro, we now get €1 billion which is expected to compensate for the fact that Ireland and its peace process was the stick used to beat the UK, ensuring that the United States would row in and bat not just for Ireland but for the EU. The long awaited peace process was agreed in 1998. The political leaders of the day, David Trimble and John Hume, may he rest in peace, jointly received the Noble Peace Prize for their efforts and they will go down in history for bringing peace to this island. The Good Friday Agreement is revered worldwide as a template to conduct peace processes and bring war-torn countries to the table, resulting in the general population of many of these countries being able to live with their differences respectfully and, most important, peacefully.

The whole world understands the importance of dialogue. World leaders do not make brash statements or take rash actions without fully understanding the consequences. When they do, however, their decisions should not go unchallenged. In an interview last week in *The Irish Times*, Naomi O'Leary asked Commission President, Ursula von der Leyen, the following question:

Now that the European Commission has shown itself willing to use article 16, seemingly quite casually, we expect opponents of the protocol to redouble their calls for the British government to override it and for this to continue for years to come whenever a problem arises. Do you understand the scale of the damage that has been done?

In reply, President von der Leyen said:

Of course, I am fully aware of the sensitivity related to the protocol on Ireland and Northern Ireland. I fought for this protocol and its implementation over the past year, and am determined to ensure it is upheld. Our sole aim in designing the export transparency and authorisation scheme is to achieve transparency on shipments of vaccines abroad, so as to make sure that this is not done to the detriment of expected deliveries in the EU.

Ursula von der Leyen's answer clearly shows that she has no understanding whatsoever of the consequences of her actions and the detrimental effect they have had on Ireland. The consideration here is not the supply of the vaccine, nor is it the year she spent fighting hard for the protocol, as she put it. It is that her unilateral decision, without consultation with the Irish Government, has put Ireland in a dire position. Less than six weeks into the life-changing process called Brexit, the President of the European Commission made a monumental mistake. As a member of the EU, this also reflects badly on us and we were not even involved in the decision process. It has set us back 20 years. It reminds us of the position adopted by the European Central Bank in 2008 when the then Governor of the ECB, Jean-Claude Trichet, forced the Irish State to guarantee the obligations of the Irish banks without any regard for the consequences. The consequences of that policy caused our State severe hardship, austerity and unemployment. We may have saved the euro but Ireland owes billions as a result.

This utter and disgraceful mess has gone without even a question being raised about the capability of Ursula von der Leyen. Have we nothing to say on behalf of Irish citizens? We had a strong fighter in Ireland's corner. An ill-judged attendance at a dinner sealed his fate. That decision, which was to Ireland's detriment, was made by those now responsible for the disastrous situation we have been plunged into.

Acting Chairman (Deputy John Lahart): I am struggling to see the relevance of the Deputy's contribution to the Counterfeit Bill.

Deputy Verona Murphy: The relevance is that we need measures other than anti-counterfeiting measures to protect the currency. I have not departed from the subject matter much, if the Acting Chairman does not mind.

The people of this country have paid a heavy and enduring price for the Government's mistakes. I can hear the story of the elephant and the fly ringing in my ears. Those who put one in the dung are not always one's enemy and those who take one out of it are not always one's friend.

While I will support the Bill, I want the Government to enact legislation to ensure we deal

effectively with criminals who produce counterfeit currencies and to recognise the damage it causes. However, I do not want that nearly as much as I want it to deal with those who seem to think they are not responsible for recreating ill feelings that Ireland as a nation took 20 years to suppress. They may attribute this to safeguarding the EU's share of the vaccine but long after the Covid vaccine has been rolled out, we will live with the effects of the EU's mindless action of invoking Article 16, just as we live with the so-called bailout, generation after generation.

We hear daily from the Government that we have teething problems with regard to Brexit and that it is confident these will be resolved. On many occasions I have rebuffed its confidence. It has been misinformed by those responsible for the incompetence of delivering seamless operations from customs, the Department of Agriculture, Food and the Marine and others. Instead the Government's failure to listen attentively to those who are experiencing trade devastation daily means that it takes no action except to say that Brexit is not of its making. This inaction will have a far more devastating effect than any counterfeit currency could have on this country.

I can only hope that the Government took note of the unfortunate announcement by Wilker Auto Conversions in County Offaly that it must lay off 80 of its 100 staff. In simple maths 80% of the workforce has been laid off. This scenario will be replicated tenfold. That is not me wishing to scaremonger. That is the reality which is being masked by the fact that the Government has the country in level 5 lockdown. The construction sector is not purchasing supplies nor are the many businesses regarded as non-essential. When Government decides it will open up the country for people to return to work, we will then see the true levels of the inaction and all that remains is what are whom it will blame. The "B" word for bailout and the accompanying loss of economic independence, just as the "V" word may well see the loss of peace on the island, but the "I" word for inaction is the most detrimental of all. Every one of us on the island deserves better.

The Bill is a good move, but we must not lose the plums in the duff by neglecting matters in need of urgent attention. We need mechanisms that safeguard our economy from damaging impulsive decisions such as those taken by powerful EU figures, such as Ursula von der Leyen and Jean Claude Trichet.

Deputy James O'Connor: I support the Bill which updates Irish law to reflect four pieces of EU legislation in the area of counterfeiting. These changes will give the requisite powers and functions for the Central Bank of Ireland to monitor and enforce measures related to suspected counterfeit euro currency. As the effective branch of the European Central Bank here the Central Bank of Ireland requires the power to check euro notes and coins we all use without thinking. The crime of counterfeiting money is as old as money itself. For as long as people have been using negotiable instruments other people have been attempting to create fraudulent versions of them. There has been a significant increase in the volume of counterfeit money due to the enhancement of technology graphics, software and high-quality low-cost colour printers, meaning that even an amateur can produce possible counterfeit notes easily through unprotected transaction points that are not equipped to detect them.

No business owner wants to absorb the loss due to counterfeit money. Such losses if occurring on a regular basis can lead to an increase in prices for consumers. Having counterfeit money in circulation is harmful to the economy and undermines the credibility of our currency, the euro, which has national and international effects. The focus of the directive is the creation of criminal offences of making, uttering or importing counterfeit currency, and possessing instruments and security features for making counterfeits. Such action requires co-operation between

national authorities in the European Union, the Commission and the European Central Bank.

Thankfully, the number of counterfeits detected as a percentage of the genuine bank notes in circulation is at a very low level. However, 308,000 counterfeit euro bank notes were withdrawn from circulation in the second half of 2019. That represents an increase of 22.7% when compared with the first half of 2019 and is 17.6% more than the second half of 2018, indicating that it is a very serious issue. Therefore, continual updating of the legislation is required to ensure that the integrity of the euro as a means of exchange and as a store of wealth is protected.

We are also living in an era where currency is modernising with the potential inclusion of digital currency becoming more mainstream. As the Minister of State is aware there has been a large increase in digital transactions since the onset of Covid-19 to stop the spread of the virus and protect our essential workers through the reduction of the use of cash. In recent times the European Central Bank has investigated the use of a digital currency. Digitalisation has spread to every corner of our lives and transformed how we pay for our goods and services. In this new era, it is critical that we guarantee that citizens in the euro area can maintain costless access to a simple universally accepted safe and trusted means of payment.

In recent times we have seen the advent of cryptocurrencies and volatility in their value. We must ensure that a digital currency, when it becomes available, does not have that level of volatility. We must also ensure that digital currencies have the necessary safeguards in place to prevent counterfeit technology. Cryptocurrencies fluctuate in value due to their decentralised nature but are less likely to get hacked as a consequence. A centralised ledger used by digital currency would be more prone to cyber attack due to its single point use. Therefore heightened cybersecurity would be required to ensure that such digital currencies would be protected. This is the future and we must stay one step ahead of it.

The counterfeiting of cash does not hurt those involved in organised crime and big business. It is always the smaller people who get hit hard, including local businesses in our towns and villages. It could be independent bookmakers, for example. There are multiple examples of individuals who are at risk because of this. Based on my research having spoken to people and business owners in my community, this legislation is timely and needs to be enacted. We need to be more proactive and progressive in how we deal with the ever-changing money landscape. Obviously, the advent of cryptocurrencies will bring enormous pressures on the regulating authorities that have responsibility in these areas. We in Ireland need to start to get our act together.

Minister of State at the Department of Justice (Deputy James Browne): I thank the Deputies for their contributions. This is an important Bill while it is technical in nature. There are 25 billion euro banknotes in circulation throughout the European Union, with a value of more than €1.4 trillion. As I stated earlier, the chances of a note being counterfeited in 2020 was only 17 in 1 million. Most counterfeit bank notes are very low quality and thankfully quickly detected. Much of this is down to the new security measures in current bank notes. Nevertheless, we must keep vigilant. We need to stay strong on these issues and that is why we are introducing this legislation to ensure harmonisation across the European Union in tackling these very serious issues.

Deputy Catherine Murphy spoke about targeting messages to vulnerable people who may be targeted by criminals involved in counterfeiting or money laundering and I agree with her on that. Some young people are being taken advantage of with devastating consequences resulting

in them being prosecuted for being money mules or for other such activities.

Deputy Durkan spoke about a review of EU legislation. I can assure the Deputy that has already occurred; it happened as soon as I became a Minister of State in the Department of Justice.

A number of other Deputies spoke about delays that have happened and I acknowledge that is the case. I thank the officials in the Department of Justice who have supported me since I became Minister of State. I am determined to get any backlog on the transposition of EU legislation through the Dáil and Seanad as quickly as possible. To that end the Criminal Justice (Mutual Recognition of Decisions on Supervision Measures) Act, enacted in November, was brought through both Houses in a matter of months. We completed all Dáil stages of the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill, which is currently on Report Stage in the Seanad. We have completed all Seanad stages and the Dáil Second Stage in the transposition of the protection of the Union's financial interests, PIF, directive and we expect to enact that in the coming weeks.

We have also published and progressed the Bill before the house today. Two particularly important bills are on the priority list due for publication by Easter on prisoner transfers and people-smuggling. There is a standing note with the Whip's office that I am prepared to come into the Dáil or Seanad to move legislation at short notice to get it through as quickly as possible and have it enacted so that we can no longer be accused of being a laggard. There has been substantial work in clearing the backlog and I am confident that we can clear the rest of the backlog as quickly as possible. Limited time in the Dáil and Seanad is the only thing holding us back.

This Bill specifically relates to the counterfeiting of hard cash, both notes and coins. It does not relate to online money laundering. However, measures on cybersecurity, fraud, anti-money laundering and terrorist financing are being dealt with in other legislation we are introducing.

The Minister, Deputy McEntee, and I and the Department of Justice are implementing new anti-fraud and anti-corruption structures, informed by the work of the review group of the Hamilton report. That is a programme for Government commitment and recommendations contained in it will be implemented. There will be an action plan, which will be coupled with timelines. We are being very proactive in tackling online crime.

Deputy Ó Murchú referred to the National Cyber Security Centre. Technically that comes under the aegis of the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. However, cybersecurity is also of great importance to the Department of Justice and all Departments work with the Minister, Deputy Eamon Ryan, on the National Cyber Security Centre.

Deputy Ó Murchú also mentioned the issue of youth justice. This is a hugely important matter for me as a Minister of State, as many parts of youth justice come under my remit. We will launch the youth justice strategy in the next few weeks. It has been a number of years in the making and many stakeholders have had input into it. It will expand the youth justice services that are there at the moment for young people who come into contact with the justice system, as well as those who are very hard to reach. We will be trying to achieve early intervention and identify indicators of people who may come into touch with the youth justice system in order that we can intervene at an earlier point to help them. Ten or 12 years ago, around 20,000 young people per year came into contact with the justice system and that is now down to about 10,000.

As Deputy Ó Murchú pointed out, there are about 1,000 really hard-to-reach young people who are consistently committing crimes and we need to intervene with them.

The Greentown project that was mentioned did a massive piece of research over five years, identifying how young people are being groomed and brought into the criminal system either by gangs, community groups or family members. It also examined how we can target those areas to disrupt the criminal activity, support families and the community and provide alternative pro-social activities for those young people. We must not only stop them committing crimes but find alternative positive things in which they can get involved. The Greentown project is massively important through that research and a number of pilot projects have now started. I am not at liberty to say where they are being carried out for sensitive reasons but they have commenced and will set out a template. Only yesterday I met representatives of the Solas Project, which is doing fantastic work in south-west Dublin by working with hard-to-reach younger people who have not only been involved with the justice system but perhaps have been imprisoned. It has a policy of never giving up and has had massive success in turning young people away from criminal activity.

I had a conversation with the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, about how we can find pathways for young people who may be in touch with the criminal justice system but who are also early school leavers. Apprenticeships could potentially play a huge role for those young people but because they do not have their junior certificate qualification in maths, they cannot take up an apprenticeship, so alternatives will be looked at in that regard. When people turn their life away from crime and become positive members of society, they should be supported to continue on that path as much as possible.

We also have the antisocial behaviour forum, which held a high level meeting yesterday on trying to find alternative activities for young people to get them away from crime. In particular we spoke about scramblers and quad bikes, which is an area in which the Acting Chairman, Deputy Lahart, is very interested. We must find alternative pathways for those young people either to get away from antisocial behaviour using quad bikes or scramblers or alternatively, as has happened in Moyross in Limerick, to find a productive way to use their scramblers in a safe manner within the communities.

Deputy Catherine Murphy raised the issue of regulatory impact assessments. These are always being carried out and if I have any further information I will give it to her.

I thank the Garda National Economic Crime Bureau for its continued work in challenging counterfeiting and in particular the payment card counterfeit currency unit, PCCCU, which is very much focused on tackling this type of money fraud and counterfeiting crime. It is doing much good work behind the scenes on this issue.

I thank the Deputies for their contributions. There will be a further opportunity to discuss many of these issues on Committee Stage. There have been significant delays in much of this type of legislation but I assure all Deputies that this will no longer be the case.

Question put and agreed to.

Counterfeiting Bill 2020: Referral to Select Committee

11 February 2021

Minister of State at the Department of Justice (Deputy James Browne): I move:

That the Bill be referred to the Select Committee on Justice pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

Sitting suspended at 11.45 a.m. and resumed at 12 noon.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Pearse Doherty: Cé gur tugadh úinéirí na dtithe tábhairne FBD os comhair na cúirte agus cé go raibh bua acu sa chúirt, tá comhlachtaí amuigh ansin le polasaithe árachais a chosnaíonn iad in éadan Covid-19 agus níl na comhlachtaí árachais ag cloí leis na polasaithe sin. Caithfidh Banc Ceannais na hÉireann gníomhú air seo. In May last year, four pubs launched a High Court action against FBD Insurance. These businesses had nowhere left to turn so they decided to fight their corner in the courts. The case revolved around the issue of business interruption insurance and whether they were covered as a result of the Government's closure in response to the Covid-19 outbreak. Soon after the Government's order to close, I received hundreds of insurance policies from those who have been forced to close. It became clear to me that many of them had cover, while others had a very strong case. Despite this, insurance companies were refusing to accept indemnity.

I raised the specific case of FBD policy on the floor of the Dáil in March last year and again in April, and I have raised the issue many times since. As we know, the same is happening with insurance firms in Britain, but the regulator there, the Financial Conduct Authority, FCA, took action. It reached out to businesses and gathered a sample of 21 different types of insurance policy, which form part of the FCA's court action. This ensured a binding result for as many businesses as possible. The FCA did this in the public interest and to enhance its consumer protection mandate. Last month, it won its case. The decision is legally binding on eight insurers in Britain and thousands of businesses will receive payouts, a financial lifeline for so many of them that are struggling at this time.

I have previously called on the Central Bank of Ireland to intervene in a similar manner, including in March and April last year. I have called on the Government to support that call. The Central Bank and the Government took no action at that time and that is why the four pubs were forced to defend themselves in the courts. Last week, thankfully, the High Court ruled in their favour and against FBD and judged that these businesses were covered for business interruption as a result of Covid-19. Now they will receive compensation to which they were entitled all along. The judgment could affect up to 1,300 other businesses that hold similar policies with FBD. However, thousands of other businesses have similar but not identical policies with other insurers. We know the industry is still trying to wriggle out of paying these valid claims. As the CEO of the Restaurants Association of Ireland has made clear, insurance companies, including AIG, Aviva, Allianz, RSA and QBE, are still dragging their heels and refusing to pay even interim payments to businesses. This needs to stop.

There are two options. Either the Central Bank intervenes, as I have been calling for since as far back as last March, or there will be a wave of litigation at a cost that is too high for many small businesses. Since March last year, I have been calling for the Central Bank to intervene.

Business interruption risks becoming the tracker mortgage scandal of the insurance industry. I wrote to the Governor of the Central Bank and to the Tánaiste again last week requesting that the Central Bank undertake an examination similar to the tracker mortgage examination. This would mean an audit of all business interruption insurance policies, intrusive supervision of claims handling, handling claims speedily and the enforcement of a strict sanction regime. This is what business needs. The Central Bank has always had this power and role but it refuses to use it.

Will the Tánaiste support my request for the Central Bank to stand up for small businesses and undertake an examination of business interruption insurance across the insurance industry?

The Tánaiste: The decision of the High Court last week is very significant. The High Court ruled in favour of four pubs that have business interruption policies with FBD. There is yet to be a decision on the quantum. That will be adjudicated in the courts later this month. In that sense, this case is still active and we need to bear that in mind. The ruling could have implications for other small businesses and companies that have similar policies with this insurer or others. It is important that we all examine the implications of this judgment.

On the role of the Central Bank, the Deputy knows that it is an independent regulator. It operates independent of Government and it does not take direction from Government. Over the course of the past few months and even in the past year, the Deputy has called on the Government to intervene to direct the Central Bank to do something. The Deputy does not say those things because he is stupid; he is not a stupid man. He says those things because he hopes other people are stupid and he believes that they may think that the Government has this power of intervention; it does not. The Central Bank is independent. It is an independent regulator and it has to decide for itself whether it is going to intervene or get involved in this particular matter. I know the Central Bank is aware of this issue and that it is examining it. It will make a determination independently, as an independent Central Bank should. The Central Bank is not subject to any direction from Government. Any calls the Deputy makes to Government to somehow intervene or direct the Central Bank to do something are totally disingenuous. They are an attempt by him to mislead people in small business, to pretend that he is on their side when he knows full well the Central Bank is independent and Government cannot direct it to do these things.

Deputy Pearse Doherty: That is a shocking response from the Tánaiste who has ministerial responsibility for enterprise. The Tánaiste said that I am trying mislead businesses that I am on their side. I have met the Central Bank privately and discussed with them the need for an examination of this issue similar to the tracker mortgage examination. I have provided it with documentation in regard to how insurance companies are wriggling out of policies. The Central Bank asked for that documentation. There is nothing preventing us as Members of the Oireachtas, or the Tánaiste as Minister, sharing the same type of information and supporting my request. The Central Bank will make its own decision. The Tánaiste should not try to wriggle out of the situation. The reality is he led the Government last year. I put this case to him and he washed his hands of it. He did nothing. I will give an example. A local hairdresser in Donegal has a policy with QBE. Under the terms, she is covered for interruption or interference of the business in consequence of the following event: an occurrence of a notifiable disease within a radius of 25 miles of the premises. That is covered in the policy but a local business that employs a number of people in a local community does not have the resources to fight it through the courts.

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That is why we in this House need to make a united call for the Central Bank to intervene now, as has happened across the water, to ensure that its consumer protection role, which has been gifted to it by the Houses of the Oireachtas, is enacted. I would appreciate if the Tánaiste, instead of criticising me and what I am trying to do on behalf of these businesses, would maybe make a stand on behalf of the businesses and support me in my call. I have written to him, as he requested me to do, saying what needs to be done.

The Tánaiste: I thank the Deputy. The situation is, and he knows this full well, that the Government cannot interfere in court cases, full stop. His attempts to call on Government to interfere in court cases is totally disingenuous. Nor can the Government direct the Central Bank-----

Deputy Pearse Doherty: I raised the issue of the court case before.

The Tánaiste: The only reason the Deputy needs to shout me down when I answer is that he does not want people to hear the truth. That is the only reason that he has to try to shout me down every time I try to answer. He knows full well that the Government cannot interfere in court cases. He knows full well that the Government cannot direct an independent regulator like the Central Bank. The Central Bank is aware of the issue and has been apprised of the issue - it was apprised of it long before the Deputy did anything about it. It is examining the situation and it will be up to the Central Bank to decide on the appropriate course of action.

In the meantime, the case has happened. It was an important test case and I pay tribute to those who took that case. I think it is good that FBD Insurance said that it would cover the cost, whatever the outcome. I pay tribute to the people who took the case. We now have case law that says that cases like this are argued and adjudicated in favour of the clients. We will see in the next few weeks - this case is still active - what the quantum is and what the implications are for other businesses.

An Leas-Cheann Comhairle: Tá mé ag bogadh ar aghaidh. The next speaker is Deputy Catherine Murphy for the Social Democrats.

Deputy Catherine Murphy: The UK variant is now the dominant virus and we can see just how difficult it is to get the numbers down. Yesterday, there were over 1,000 positive cases, six weeks after the level 5 restrictions were imposed, with another six weeks in level 5 all but announced. There were just under 1,000 people in hospital yesterday, with the numbers in ICU remaining in the low 200s and, sadly, we are still hearing of high numbers of deaths. RTÉ's "Prime Time" programme from Tallaght hospital earlier this week was a reminder of the huge physical and emotional cost to our healthcare workers, which is, clearly, totally unfair and utterly unsustainable.

While the positive numbers have fallen from the shocking peak in mid-January, suppressing the virus is going to be really difficult. That is all the more reason that we cannot risk importing new variants that could be vaccine-resistant. I raised the issue of international travel with the Tánaiste three weeks ago and I asked about quarantine. He said it would be disproportionate and unworkable. He also told me that the majority of people travelling were doing so for essential purposes, which is clearly not the case. I wonder where he got that information. The Government has since announced that it intends to introduce quarantine and also some additional measures. However, the practical aspects of quarantine lag far behind the announcement. The expectation was that we would be all in here passing the legislation that was needed and

that there would be some forward planning for worst-case scenarios, which obviously has not happened.

Test, trace and isolate are key parts of our strategy in the suppression of the virus, but the Tánaiste has said that it is impossible when the numbers get very high to use that effectively as a strategy. We can see that there are two ways of dealing with this virus until the vaccine gives us protection. One is to go for near-zero suppression, with aggressive test, trace and isolate together with strict measures in place to prevent further variants arriving into the country. However, such measures have to be workable; they cannot be self-governing. The other way is rolling lockdowns, with all the damage that they bring. There is no easy solution to this. There is damage no matter what. It is a question of limiting that damage, but it seems that we have a bit of both.

We are hearing that the plan for living with Covid is due to be updated. What does the Government mean by “living with Covid”? Instead of dates, can the Tánaiste state what that looks like in numbers? Is it near zero cases or is it cases in the low hundreds? We can see when it is low hundreds how quickly that can escalate. The day the UK flights were halted in December, there were 484 cases, 200 people were in hospital and 31 were in ICU. We have seen what happened since. I have a few specific questions in this regard. If there is to be a further six-week lockdown, what is the aim in terms of numbers? Has that been modelled and is it known what activities are most dominant in terms of the spread of the virus? The public needs specific rather than general information.

The Tánaiste: I thank the Deputy for her questions. To clarify, and I have clarified it before, when I used the term “disproportionate”, what I was referring to was the fact that it could be argued, and I think it will be argued, that it is disproportionate to impose mandatory hotel quarantine on people who do not have Covid when we do not do that to people who do have Covid. At the moment, there are lots of people in the country who have tested positive for Covid and, fortunately, none of them is in mandatory hotel quarantine. That is where we may very well run into a very genuine legal issue around proportionality, because the vast majority of people travelling in from overseas do not have Covid and they have a test to say they do not, whereas we know there are hundreds of people every day in Ireland testing positive for Covid and we do not mandatorily quarantine them. Obviously, anything that could save hundreds of lives or thousands of lives is proportionate in my view. The disproportionality point is a different point and perhaps is one that we will hear about in the courts at some point in the future.

In regard to cases, it is important to say that we have gone from a situation where we were seeing 6,000 or 7,000 cases a day to 1,000 or fewer a day now. That is a very significant reduction in the caseload. The number in hospital is below 1,000 and the number of people in ICU is about 170. While we have seen a very significant decrease from the peak of the third wave, these figures are still higher than the peak of the first wave and we have a long way to go yet before we are in a position to ease restrictions substantially. We need to get down to much lower numbers than we have now.

We have not agreed an exact number. I know why the Deputy would like that. It is something that I would have liked in the past. However, the advice we have from NPHET is very strong on this, namely, that it is very wrong to pick particular exact numbers and that we need to look at a number of things in the round. It is not just the five-day or seven-day case number average, the positivity rate, the number of people in ICU, the number of people in hospital or the number of hospital beds available. We have to look at all of these things and using one or

two metrics, NPHET advises, is too crude. The Government has accepted that advice.

In terms of strategies, I do not think it is a choice between one or two strategies. There are a lot of slogans floating around and there are many different strategies and sub-strategies. It is the detail that is important. There really is not any strategy, unfortunately, that avoids the risk of rolling lockdowns or snap lockdowns. We saw in Perth the other day that one or two cases of community transmission led to a five-day snap lockdown there. In our context, with our geography, with the Border, with people coming in in the front of trucks and the back of trucks, if we applied the same policy here, we would probably have snap lockdowns every week, every two weeks or every three weeks. We have to bear in mind that our geography does affect us.

In terms of living with Covid, what that means is suppression. It means reducing numbers as low as we can so that we can open society and the economy in a way that is sustainable. Yes, there is modelling done on this but, no, we have not picked any exact numbers. NPHET advised that for reasons I explained.

Deputy Catherine Murphy: When the word “disproportionate” was used by the Tánaiste, the way the public hears it is that it is okay for people to go on holiday but they cannot send their kids to school. That is the way it is heard. It is important that there is an understanding of just exactly how the public is hearing some of this. Indeed, a further six-week lockdown has all but been announced. It came from leaks from two parliamentary party meetings. That needs to be managed much differently. It is not fair that the public hears in that particular way. The public need an expectation of exactly what the milestones are in reducing this virus and what might be open in terms of schools or if we are going to open a lot more. We can only do that by getting it right down. We have to be straight with people on that.

The Tánaiste: I am sure the Deputy will agree and appreciate that the way things are heard is not always what was said or what was meant. That applies even without being misrepresented. Something a person says or means can be heard in a different way. Anyway, I am happy once again to clarify the point. Anything that will save hundreds or thousands of lives is proportionate in my view. We may run into a legal issue around proportionality. I have explained to the House that this may arise.

I agree with the Deputy’s question and comment. We need to get numbers down as low as possible before we can safely reopen our society and economy. I believe that is what all of us in the House want. There is little point in reopening things one then has to close three weeks later. That is why we need to get numbers down as low as we possibly can. We simply do not know what that is in the current context.

A question was asked about international travel. As Deputies know, the Government has already introduced polymerase chain reaction, PCR, testing. We did that in January. We have already introduced mandatory home quarantine. We did that some weeks ago. We will be extending the number of countries included in the category 2 list. These are countries for which mandatory hotel quarantine is required. There are 18 countries, including 16 in sub-Saharan Africa, as well as Austria and the United Arab Emirates. They have been added to Brazil and South Africa.

Deputy Seán Canney: I wish to raise an issue that affects many people throughout the country. It relates to the community employment, CE, schemes in place that offer so much in terms of service throughout society. They are embedded in everything we do.

In July 2017 the community employment policy unit changed the rules relating to the length of time a participant who is over 55 years of age can remain on the scheme without taking a break. Up to that point, a person over 55 years could work their full lifetime entitlement of six years without taking a break. However, from July 2017, a participant over 55 years of age was obliged to take a break once he or she worked for three consecutive years. The Department included a saver clause that allowed those over 55 years who had started on CE schemes prior to 3 July 2017 to remain on a scheme under the rules that existed before that date if it was more beneficial to them.

In August 2020, CE projects were alerted to a change or different interpretation of the rules relating to the length of time those over 55 years could remain on a scheme without having to take the 12-month break. This included those who started prior to 3 July 2017. The Department is now insisting that all CE participants over 55 years of age have to take a 12-month break. This seems to be at odds with the saver clause. More importantly, it is now taking numbers away from the CE schemes. I know of one scheme where the full complement would be 33. By June, the scheme will be down to 11 participants. There is a difficulty in trying to recruit new participants because they are being seconded into JobPath, an approach that is costing more money without delivering much in results. There are approximately 2,000 vacancies in CE schemes throughout the country. It has been well documented that there is a problem with referrals to CE schemes in recent years. If this cohort is allowed to exit the CE schemes, they would be depleted and it would destroy the level of service being provided throughout the country and in communities. We are not only talking about community projects. The disability sector will be affected, including the likes of Ability West, the Irish Wheelchair Association and mental health associations. They all benefit from the CE schemes.

People may believe that when we put a participant on a CE scheme, we are doing that person a favour. In fact, participants going on the schemes are doing the country a favour. Local authorities use them to carry out the work they should normally be carrying out themselves and they now rely on these people. I appeal to the Tánaiste to look into this as a matter of urgency.

The Tánaiste: I absolutely agree with Deputy Canney that the value of the work done by people on CE schemes is extraordinary. I remember the day we visited Caherlistrane together in County Galway and saw some of the phenomenal work being done. That is replicated in communities, urban and rural, throughout Ireland.

The Minister, Deputy Humphreys, and the Minister of State, Deputy Joe O'Brien, who has delegated responsibility for CE schemes, had a constructive meeting with a delegation from CE schemes from across the country only two weeks ago. The meeting included representatives from Galway and the western region. We understand that several different issues were raised at the meeting, including the issues being experienced by some schemes in respect of people over 55 years of age. The Minister, Deputy Humphreys, has asked her officials to take on board the different points raised at that meeting and to come back to her with a set of proposals on how we can make these schemes work better for the benefit of everyone. The Minister, Deputy Humphreys, has also indicated to me that she would be happy to meet Deputy Canney and discuss the matter with him further. As the Minister for Rural and Community Development as well as for Social Protection, she recognises the vital work many CE schemes carry out in rural communities throughout the country. If there are issues causing difficulty, she wants to work with everyone to resolve them.

Deputy Seán Canney: I would welcome the opportunity to meet the Minister, Deputy

Humphreys. She is a Minister for whom I have great regard and she understands the situation.

While Department officials are looking at this, people are getting notice to go off the schemes. I know of one particular gentleman who has been told that he will finish the scheme in March and then he has to go back to his Intreo office. He has six months left in his working life before he gets the pension. It would be more prudent for that man to remain on the scheme for the sake of the scheme, as well as for the sake of the community.

My last question to the Tánaiste relates to the supervisors of these schemes. They are the leaders in the communities. The Tánaiste is well aware of the position from his time as Minister in the Department of Social Protection. These supervisors have an issue going back a long time relating to pensions and pension rights. I understand from the Minister for Public Expenditure and Reform, Deputy Michael McGrath, that some negotiations have gone on. I would like to know when they might be concluded in order that we show respect to these supervisors and give them equality in terms of benefits and payments.

The Tánaiste: This is an issue that, as the Deputy will know, has been going on for a long time. It has been grappled with by four or five Governments at this stage. It has not been brought to resolution because there is a real difficulty around it. CE supervisors are of course entitled to the State contributory pension based on their PRSI payments. However, to be entitled to a public sector pension in the way that a nurse, civil servant or teacher might be, one must first be a public servant employed by a public body. Second, one must have paid pension contributions - a pension levy - throughout the person's working life in addition to PRSI. The difficulty is that CE scheme supervisors have done neither of these things. They have not been employed by a public body and have not paid a public sector pension levy throughout their working lives. If we were to concede the principle of giving public sector pensions to people who are not public servants and who never made public sector pension contributions, the knock-on effects would be enormous and unaffordable. The best solution is something in the vein of a gratuity or some sort of payment to recognise the fact that they did not have a pension fund. That is the kind of solution we are open to, but negotiations are not concluded.

Deputy Michael Collins: The Government committed in 2019 to raising the amount of electricity generated from renewable sources from 30% to 70% by 2030. We all know that wind and solar generation are the best way to reduce emissions with conventional fossil fuel plant playing an important role for many years to come by providing back-up and spare capacity as we move from fossil fuels to a cleaner future. I support calls from the Cork Chamber of Commerce on Monday last for Cork Harbour to be identified as the gateway to transformative changes in Europe's transition to renewable energy. The chamber has called for urgent Government policy to unleash floating offshore wind potential.

In January of this year, EirGrid declared an amber alert for Ireland as the electrical supply system came under sustained pressure to meet high demand and record levels of consumption that placed our national grid under threat. EirGrid stated that the record for peak demand was broken twice in January alone. This is the first time this has happened. Technical failures at Moneypoint, issues at Whitegate and Tarbert power stations, plus a drop in wind generation meant that for a time we came close to the lights going out in this country. The Government started yet another Government review of energy security in December, a process which is costing the Irish taxpayer €250,000. The Government says the report will not be ready for an entire year - how much information does the Government need when its own agency charged with managing supply is issuing amber alerts to the public? When the Government came to power

it stopped the granting of new licences for gas, which I have serious concerns with. We are simply committing to importing all our energy instead of producing any of it ourselves. Every single Government agency - Gas Networks Ireland, GNI, the Sustainable Energy Authority of Ireland, SEAI and EirGrid - is saying our demand for gas will continue for many years. When will we have renewable energy? The Tánaiste knows it will take a minimum of ten years to produce any wind farms at the scale we need to replace the Corrib or Kinsale fields. What is the Government doing to ensure Ireland has security of energy supply for our homes, hospitals, schools and businesses? What if there had been a blackout on even one of those two days in January when we had amber alerts for Ireland? Will the Tánaiste confirm that the ban in the programme for Government does not affect the existing licences issued by the State, that they will be honoured and exploration allowed to proceed? It is important that Ireland be allowed to continue the past successes we have seen at the Kinsale area gas fields which ceased production after 44 years and at Corrib, now the only producing offshore gas field in Ireland.

The Tánaiste: I can confirm that the ban on new oil and gas exploration licences does not apply to existing licences or concessions, only to new ones. The ban on gas exploration was announced by me, as Taoiseach, about a year or two ago. We are now going to legislate to ban exploration for oil and gas but existing licences and concessions will still be honoured. However, that is not the way of the future. I think we all appreciate that investment in oil and gas infrastructure is expensive and does not make sense if the plan is to move away from fossil fuels over the next few decades. That is why the Government is really ambitious about renewable energy, including offshore and onshore wind as well as other technologies. By expanding them dramatically we can reduce greenhouse gases and imports of coal, oil and gas and we can also become an electricity exporter. We currently do this on occasion but we want to do this much more.

As for the kinds of things the Government is doing, it has doubled the ESB's borrowing limit from €6 billion to €12 billion. That work is currently under way and will allow the ESB to borrow on the markets and invest big time in wind energy. Second, we are working hard to get a new marine planning law through because one of the biggest problems we have when it comes to offshore wind is a very complicated planning consent procedure to bring the wind power ashore. It is really out of date and needs to be updated. Those are the two things the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, is working on with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien. They are trying to get that done in the next couple of weeks or months.

Deputy Michael Collins: I thank the Tánaiste for his reply. Is he aware that there is a potential carbon-neutral development proposed off Barryroe in west Cork? There is the potential to develop a gas field which is not only capable of continuing the supply we currently have from the Corrib field but is also capable of delivering a unique carbon capture and storage facility in County Cork, which could make us leaders in carbon reduction. The Barryroe site and its development could create jobs similar to the Corrib site, which created more than 1,200 for people in the area. These jobs were in harbours, villages, hotels and shops in the local area. How can the Government simply discount that potential for County Cork and for the south west of Ireland? Several weeks ago we spoke about investment in the area and there is a viable offering with a capital investment of €3 billion, which has been marginalised because of political posturing.

With the withdrawal of the UK from the EU, Ireland is now more reliant on imported energy than ever before. Energy independence is further from our reach and the recent policy changes

have severely curtailed our ability to develop indigenous natural energy resources that offer lower greenhouse gas emissions and greater energy security than the imposed sources on which we are increasingly reliant. The reliance is only one issue. Pricing will become a bigger one for families and businesses across Ireland as we become more marginalised in relation to our energy. There is the potential to have this Barryroe field up and running in a very short space of time if co-operation by the Government is forthcoming and everybody works together. This will be a game changer nationally and in south-west Cork. Will the Tánaiste ensure this happens? We cannot continue to import when we have it at our own doorstep.

The Tánaiste: I have heard about and read about the Barryroe project but do not know the details. If the Deputy wants to pass them on to me I will certainly take a look at them and see if the suggestion he has made that it could be carbon-neutral stacks up. If it does it is something to which we would have to give good consideration. I do not know that, however, but if he wants to pass on more information, I would be happy to take a look at it and talk to the Minister, Deputy Eamon Ryan, about it.

There is one thing we need to appreciate about price stability and price certainty. If we can make the decisive shift, the decisive move, towards renewable energy and renewable electricity in particular, that will give us more price security and price stability than anything else. This is because the price of oil, gas and coal can fluctuate very dramatically. The price of wind, solar and other renewable energy sources is pretty stable so if we can actually get to the point where we can produce enough renewable energy, that will give us better price security than the current situation whereby oil and gas prices can quadruple or halve in the space of just a few weeks or months.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Leas-Cheann Comhairle: Again, I ask everyone to co-operate on time.

Deputy Pearse Doherty: I must point out to the Tánaiste that I made my call for the Central Bank to intervene and asked for the Government to support it before papers were lodged in the High Court. That is just for the record.

We continue to be the laggard when it comes to international travel. When I last raised the issue with the Tánaiste, he said he would examine making it mandatory for all international travellers to take a PCR test post arrival, as recommended by NPHET, but there have been no subsequent updates in this regard and no movement on the issue. Will the Tánaiste tell us when that will happen? In addition, the Government has continued to move at a snail's pace on the introduction of hotel quarantine for international arrivals, despite the fact that 60% of travellers are, according to the Taoiseach, travelling for non-essential reasons. The Tánaiste knows the British Government is moving ahead with this in the coming days. He knows there is no international travel into the North barring that from Britain. When, therefore, will we see legislation to deal with this issue put before the House and crucially, when will we see hotel quarantine introduced here?

The Tánaiste: I thank the Deputy. What we have done thus far is to reduce international and oversea travel into Ireland by about 95%. Anybody arriving in the country is required to have a PCR test taken three days before arrival. There is 98% or 99% compliance with that which is very good. Mandatory home quarantine is now the law. Next week we expect to have

legislation on mandatory hotel quarantine. As I said earlier, we are adding 18 countries to the list for which mandatory hotel quarantine will be required, increasing it to 20.

The laggard is Northern Ireland. It may well be the case that at the moment, there is not any travel from beyond Britain and Ireland but there is travel from Britain into Northern Ireland and there is no requirement to have a PCR test, nor one for mandatory home quarantine or for mandatory hotel quarantine. I appeal to the Deputy, as a member of the Sinn Féin leadership, to use his influence on the co-leaders of that government to change that policy.

Deputy Alan Kelly: Six months ago I raised the issue of antigen testing in a constructive way. I have one such test to hand. I will take it when I go home to protect my family, particularly my parents who are elderly and live close to me. It costs €5 and as I said I raised this six months ago. The European Commission has approved their use and they are being used increasingly internationally. The HSE even uses the results of these test in their counters for those who are infected. Liverpool City Council has tested 500,000 people and has had very good results, showing a rate of 84% to 91%, which is shown to be accurate. The UK has bought tens of thousands of these tests. Surely therefore, we should be using antigen testing as part of a mix of ways for managing the virus going forward. Many people have called for this. The technologies have improved. As an example, many of the teachers' unions have asked that these be used as part of the solution to opening up the schools in the coming weeks. Will the Government consider that, please?

The Tánaiste: I agree with the Deputy on his essential point. Antigen testing has a greater role to play in Ireland's battle against Covid, but it is one of those areas where we are very much led by medical and scientific advice. The Deputy will be aware that HIQA carried out a health technology assessment on this and NPHE has given advice on it quite recently which reaffirms the use of antigen testing in certain scenarios such as symptomatic cases and outbreaks. However, the advice that we currently have very strongly from the Chief Medical Officer, Dr. Holohan, and NPHE is that antigen testing has its limitations and that it is not particularly useful in terms of mass screening. It is useful when it comes to symptomatic cases but it misses very high numbers of asymptomatic cases and, therefore, could give people a significant level of false reassurance. It could lead to people being told that they are negative when they are not and therefore spreading the disease rather than stopping it. This is something where we will be very much advised and guided by the doctors and scientists.

Deputy Gary Gannon: Over the weekend, the Tánaiste was reported discussing the future of social welfare, and social welfare reform in particular. He mentioned that the cessation of the pandemic unemployment payment, whenever that happens, will provide the opportunity for reform of social welfare. Rather than highlighting the fact that the current social welfare rates are set below the poverty line and perhaps taking the opportunity to bring them in line with the minimum essential standard of living, there seemed to be a suggestion that PRSI contributions will be a determining factor in paying a higher earner who loses his or her job a higher social welfare payment. Is that the priority of this Government? How would it be paid for? I highlight that the situation here is often contrasted with the German model, whereby a German employer pays employer social insurance contributions at 20.5% of all gross earnings. In Ireland, the rate is currently set at 8.8% for earnings up to €398 and at 11.5% for earnings over €398. Should we be thinking about moving social contributions here to be in line with those in Germany if we are going to follow that model?

The Tánaiste: It is certainly not a Government priority but it is an option, one that I think

is worthy of consideration. It is the norm, or at least commonplace, across advanced European welfare systems to have pay-related benefits such that if a person who has been paying PRSI into the system for many years loses his or her job, that person gets a higher payment, at least in the initial weeks and months of unemployment, which helps the person to adjust to a sudden loss in income. It is very commonplace in Nordic welfare systems. The Deputy referred to the German welfare system. It is something that is worthy of consideration here as well. Such a system used to exist in Ireland. We had pay-related benefits previously but they were phased out as part of necessary reductions in spending. If it can be afforded from the Social Insurance Fund, then I think it is worthy of consideration. I do not think it is the only welfare reform that is worthy of consideration; of course, there are others that merit consideration too.

Deputy Bríd Smith: I heard the Tánaiste tell Deputy Michael Collins that he does not know much about Barryroe, but he is probably aware that the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, recently granted approval for survey works to continue or begin at Barryroe. I am not being smart, but I want to tell the Tánaiste and Deputy Michael Collins that since the Green Party entered Government, the science has not changed. The science around climate has not changed. We still need to leave 80% of gas reserves in the ground. That is the globally accepted science. Proceeding with this survey flies in the face of that fact. This could lead to the release of billions of barrels of oil and gas that we desperately need not to burn. Is the Tánaiste aware that the Government has ample powers under existing licensing laws not to renew or extend any applications to proceed with this survey at Barryroe?

The Tánaiste: As I stated earlier, I am not aware of the details in that regard but I will let the Minister, Deputy Ryan, know that the Deputy has raised the issue here today. We need to be frank with the public and each other on this issue. No matter how quickly we develop renewable energy and renewable sources, we will still need to burn gas for the foreseeable future. If we were to turn off the gas tomorrow, we would not be able to power our country, industry or homes. The question that arises is whether one uses the gas one may have or one imports it from Russia, the Middle East or other places. The latter option obviously has negative consequences too.

Deputy Matt Shanahan: Since 2011, three programmes for Government have pushed a technological university on the south east. I use the word “pushed” deliberately. Where is the Government’s plan? IT Carlow and Waterford Institute of Technology, WIT, have fundamentally different visions for education. IT Carlow is oriented around the greater Dublin area. It is positioned around the strong Dublin universities. WIT has filled the need for a university in the south east. It is the top institute of technology nationally, having been awarded institute of technology of the year for the third time in ten years. The headquarters is to be fudged. There is to be distributed leadership, whatever that is supposed to mean. Massive amounts of capital have flowed into the sector. The small fraction that went into the south east went entirely to Carlow. In fact, of the €1.7 billion of capital investment undertaken in the sector in the past decade, zero has been invested in new teaching buildings in WIT. The State’s entire investment supported IT Carlow’s vision to deliver part-time and access programmes to the greater Dublin area. The State has abandoned the south east.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Matt Shanahan: It is clear that in the past decade no planning was done by Government.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Matt Shanahan: How can the Government ask anyone to sign up to the technological university without a realistic and honest plan for-----

An Leas-Cheann Comhairle: We are out of time.

The Tánaiste: I think we are making some really significant progress when it comes to establishing a technological university for the south east. The previous Government passed legislation making technological universities possible. We have two already, one in Dublin and the other in Munster. I am confident in and strongly supportive of the possibility that the next one will be in the south east. It will make a big difference not just for Waterford, but for the wider region. There will be more students staying in the region and more students coming into the region. In terms of helping to attract foreign direct investment, that will be a big plus too. The Deputy will be aware that the Government is working to secure new sites and locations for that campus to allow it to expand in Waterford city in particular. I hope we will have good news on that soon.

Deputy Mattie McGrath: Early last year, I asked the former Minister for Education and Skills, Deputy McHugh, what supports or provisions had been put in place for students for the academic year 2020. All present know the trouble students are going through. Will the Government provide a financial support package for struggling students for this academic year, which began in September 2020? I refer to the students who cannot receive refunds for private accommodation, as well as other students. What provisions is the Minister for Education, Deputy Foley, putting in place for student accommodation for the next academic year, which is due to begin in September 2021? Students and their families are going through an awful time. It is shocking that they have had to pay money out and now have to pay for the coming academic year as well, with the probability that they will get no return on that. They will not have their accommodation costs refunded if they are forced to stay at home. It is very unfair to those students. They have come through the leaving certificate and attending college virtually. It goes on and on. We need definite proposals to support those students.

The Tánaiste: There is no promised legislation on that issue but I will certainly mention to the Minister that the Deputy has raised the issue and I will ask that a reply be forwarded to him.

Deputy Thomas Pringle: As the Tánaiste is aware, the SUSI grant application process will open next week. It is very important for many students to get support in the college years that are coming up ahead of them. There is a cohort of students whose parents earn less than €24,000 per year and who do not have a social welfare element. It is a very small cohort, but they are not entitled to a top-up, whereas students whose parents are on less than €24,000 per year but have a social welfare benefit as part of that do get a top-up. That is a very wrong system that is operating in that regard. I ask that it be looked at and sorted out by the Government such that these students who are most in need of support can actually get it.

The Tánaiste: I thank the Deputy for pointing out that anomaly. The Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, is leading a review of the SUSI grant system at the moment. I appreciate that it may not be completed in time for these students, so I will make sure that he is aware of the issue that has been raised.

An Leas-Cheann Comhairle: I am moving on to a long list of speakers. Some of the Deputies on the list are not present. I call Deputy Guirke.

Deputy Johnny Guirke: I wish to raise an urgent issue in respect of children's diabetes services at Mullingar regional hospital. Parents have been notified in writing that, due to ongoing unsafe staffing levels, all paediatric diabetes clinic appointments have been cancelled with immediate effect. This affects people in five counties. Many of the parents of the 130 children and adolescents attending this much-needed service have contacted me. They are panicking at the thought of having to travel to Tallaght, Temple Street or Crumlin hospitals, which are already at capacity. The clinic needs urgent supports now or it will be permanently cancelled and the consultant paediatrician will seek employment elsewhere. The parents stressed the importance of keeping Professor O'Grady on board. Time and time again, he has gone above and beyond for these children.

I ask the Tánaiste or the Minister for Health to intervene immediately and put the resources in place to save these vital services at Mullingar regional hospital.

Deputy Sorca Clarke: I wish to speak on the same matter. When I raised this as a Topical Issue matter with the Minister of State, Deputy Butler, in November, I was told that there should be no cause for worry regarding the service in Mullingar. That clearly was not true because what the parents and staff have feared for almost two years has come to pass. The number of children going through this service means it should have two clinical nurse managers but it has none. There is no social work or psychology element to the supports. It has been made explicit that unless the full multidisciplinary service is resourced, it will not come back. The Tánaiste must intervene.

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

Deputy Sorca Clarke: I ask him to please engage with Professor O'Grady and ask the Ireland East hospital group for as full-----

An Leas-Cheann Comhairle: Deputy, thank you. I ask for co-operation so that we can get everybody in.

The Tánaiste: I thank the Deputies. This is obviously a matter of grave concern to people in the region. I do not have any details to hand but I will inform the Minister for Health that the matter was raised in the Chamber. I will ask him to look into the matter and get back to the Deputies directly.

Deputy Darren O'Rourke: I raise the issue of the decision to tax the pandemic unemployment payment, PUP, in 2021 and its impact, particularly on low-income families. My office, as I am sure is the case in the offices of Members around the country, has been contacted by people who are fearful of the impact this will have on their day-to-day living costs, particularly when one considers utility bills and cost of living expenses. Will the decision be reviewed?

There is another element to this that affects people who have already been asked to pay. The Department of Social Protection is not talking to Revenue because it cannot get statements of accounts. Assumptions are then made by Revenue that distinctly disadvantage people who are being asked to pay this tax at a much higher level than is reflective of what they received.

The Tánaiste: The position is that the PUP, like most social welfare payments, is subject to income tax and the universal social charge, USC, in the same way, for example, as the State pension. Child benefit is exempt, but most social welfare payments are subject to tax if one earns enough money to pay income tax and the USC. Someone who, for example, earned

€36,000 last year from work pays the same tax as someone who earned €36,000 comprising €10,000 in PUP and €26,000 from work. That is the way it works and it is only fair. We are allowing people to discharge that liability and pay that tax over a period of four years.

Deputy Chris Andrews: Israel's obligation to vaccinate Palestinians is clear under international law. The matter is not open to interpretation. Not only does the Geneva Convention dictate that the occupying power is responsible for the health and well-being of the occupied, the treaty, which is the bedrock of international law, specifically spells out an obligation to prevent the spread of pandemics. In the West Bank and the Gaza Strip, we have medical apartheid. Will the Taoiseach contact the Israeli Prime Minister directly and condemn the Israeli state for this breach of international law? Will this also be done through the UN Security Council of which Ireland is currently a member?

The Tánaiste: I am the Tánaiste so the Deputy will have to allow me take the matter up with the ambassador, rather than the Prime Minister of Israel who is no longer my counterpart. The point that the Deputy makes is exactly right. Israel is the occupying, controlling power in Palestinian territories and, therefore, has a duty and responsibility to provide basic healthcare, including vaccination against the pandemic. I will take that up with the Israeli ambassador.

Deputy David Cullinane: I raise the matter of increased cardiac waiting lists at University Hospital Waterford. I received a reply to a parliamentary question last week, which showed that the number on inpatient waiting lists has increased from 300 at the end of 2018 to 730 at the end of 2020. More worrying is that the outpatient waiting lists increased from 1,057 to 1,700 in the space of two years. The number of people waiting over 12 months trebled. When are we going to get a second catheterisation laboratory? Can the Tánaiste confirm that the second laboratory will provide interventional support and services as well as diagnostic supports? When are we going to see 24-7 emergency cardiac care for the people of the south-east? That has been a long-running issue for the people of Waterford and across the region.

The Tánaiste: We are seeing increased waiting lists for procedures and for outpatient appointments across the country, not just in Waterford. That is not solely or exclusively down to reduced staff or funding because the reverse is the case. There has been a big increase in the number of staff in the health service and a massive increase in spending in recent years but because of the need to shut down large parts of the health service because of Covid-19, we are seeing increased waiting lists in all areas as a result of the shutdown that occurred in the first and third waves of the virus.

I do not have an update for the Deputy on the catheterisation laboratory. I have an update from a few weeks ago that might now be out of date so I would prefer not to share it. I will make sure the Deputy gets an update.

Deputy Imelda Munster: After seeking answers for almost a week, it has been confirmed by the HSE to "The Michael Reade Show" on LFMFM that a hotel in Louth that accommodates front-line workers under the temporary accommodation scheme is also accommodating workers from a nursing home who have tested positive for Covid-19. The fact that Covid negative front-line workers are being accommodated in a hotel in which Covid positive workers are also being accommodated by the HSE under the scheme is a serious matter. The HSE has not been transparent on the matter and initially denied the claims for six full days. Even the Taoiseach was not aware yesterday that the HSE had changed its story-----

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An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Imelda Munster: -----and stated that situation had happened because the rules of its scheme had been bypassed.

An Leas-Cheann Comhairle: Thank you, Deputy.

Deputy Imelda Munster: What oversight is there of the administration of this scheme? How we do know this is not happening elsewhere?

An Leas-Cheann Comhairle: Deputy, thank you.

Deputy Imelda Munster: How do we know it is not happening elsewhere or, indeed, everywhere? Where front-line-----

An Leas-Cheann Comhairle: We are over time. Please, Deputy. Thank you. I am giving up at this point. A minute is a minute and the Deputy's colleagues are all waiting to get in.

The Tánaiste: I am not aware of this particular situation. It certainly sounds like it is far from ideal. However, if somebody tests positive for coronavirus and is self-isolating and staying in his or her room, other people should not be at risk, provided that those infected are self-isolating and staying in their rooms. I will certainly let the Minister for Health know that the Deputy raised these concerns and will ask him to contact her.

Deputy Johnny Mythen: I ask the Tánaiste to intervene in a serious situation concerning the scallop fishers in County Wexford. There are seven such boats in total: five in Kilmore and two in Duncannon. From 1 March, they will be forbidden by the UK authorities to land their catch at any UK port. This will kill off the scallop industry in County Wexford. More than 120 families will be affected. This industry is worth more than €12 million to the local economy. Every €1 earned at sea creates €4 on land. I ask the Tánaiste to take this serious situation in hand and through the various Departments, including his own, to find a solution before the deadline of 1 March.

The Tánaiste: There is no legislation promised on that matter and I do not think I have any particular powers of intervention when it comes to such issues. I will let the Minister for Agriculture, Food and the Marine, Deputy McConalogue, who has responsibility for fisheries, know that the issue was raised and I will ask him to get back to the Deputy.

Deputy Richard O'Donoghue: We hear at the moment about the roll-out of Covid-19 vaccines. I am getting calls to my office from people who are saying that there are still front-line workers and carers waiting for their vaccines and yet there are people who are not involved in the health system getting a vaccine. What traceability is there for people who are not in health service and other front-line services and yet are getting vaccines? What will be there to ensure that this does not happen anymore? I got five phone calls yesterday about people who are not in front-line services getting vaccines.

1 o'clock

An Leas-Cheann Comhairle: Does Deputy Michael Collins wish to speak on the same issue?

Deputy Michael Collins: Like Deputy O'Donoghue, I am getting calls from doctors, nurs-

es and home helps in west Cork that have not been able to get the vaccine yet. At the same time, I am getting calls indicating that in places councillors are getting the vaccine. Is this turning into a nod and wink situation where the vaccine will be given to some but not to others? At the very least, doctors, nurses, home helps and carers deserve to be offered the vaccine first. I ask the Tánaiste to explain why that is not happening on the ground.

The Tánaiste: The Government policy and rules around this are very clear. There are only three groups of people who can receive the vaccine at present, namely, care home residents over 65 years and care home staff and healthcare workers who interact with patients. It is important to bear in mind that some administrative and reception staff engage with patients. The third group is people who are over 85 years. Nobody else should be receiving the vaccine. If Deputies have examples of people receiving the vaccine who should not, they should let us know and we will follow it up.

Deputy Patricia Ryan: Page 23 of the programme for Government states that the Government will review whether the legal provisions surrounding collective redundancies and the liquidation of companies effectively protect the rights of workers. There is no need for lengthy reviews; the dogs on the street know that the current legislation is inadequate. The Duffy Cahill report has been gathering dust on a shelf somewhere in the Department of Enterprise, Trade and Employment for almost five years. With all due respect, that is the Tánaiste's Department. The Debenhams workers are on the picket line for nearly a year at this stage. When will the Government do the right thing and implement the Duffy Cahill report and find a solution for the Debenhams workers?

The Tánaiste: That work is very much under way. The Company Law Review Group has done some work on the company law aspects of it. As the Deputy knows, the Duffy Cahill report does not recommend changes to company law and points out that so-called tactical insolvencies are already illegal and that there may be some need to change employment law on redundancy. Unfortunately, in my assessment, none of those changes would have made a difference in the Debenhams' case because there simply were not assets there. The assets, which included some stock and fixtures, did not add up to enough to discharge even the basic debts the company left behind. While we will make some changes in this area, sadly, it is not the case that it would have made a difference for the Debenhams workers, and it is unlikely to make a difference for future situations where there is a collective redundancy.

Deputy Ryan will have read the reports from the chairman of the Labour Court, Kevin Duffy, pointing out that there was no legal entitlement to two plus two on this occasion, and even a contractual entitlement to two plus two may not have existed because that applied in 2016 but not in the case of a liquidation.

Deputy Ruairí Ó Murchú: I welcome the Covid-19 business aid scheme, CBAS, which the Tánaiste launched, to deal with people who may have fallen between two stools as regards the CRSS and other such supports, but a number of firms have contacted me who still fail to qualify as they do not rent a rateable business. I refer to where storage is carried out at home and a lot of contact is done over the telephone and the Internet, and also in cases where a business has rented premises but it is within a non-rateable building within a community centre. Could we look at the possibility of assisting some of the businesses if I give the Tánaiste the details, given that the intent of the scheme is to catch those who have fallen between two stools?

The Tánaiste: I would be happy to look at any cases or real-world examples the Deputy

may have in that regard. My parliamentary party raised the issue with me as well last night. This is not the last scheme the Government will introduce to support business. I am open to the introduction of further schemes. However, I wish to be very clear; the purpose of the EWSS is to help with payroll costs. The purpose of the CRSS, the CBAS, and the new scheme for the tourism sector introduced by the Minister, Deputy Catherine Martin, is to help with the fixed costs of doing business.

An Ceann Comhairle: I thank the Tánaiste.

The Tánaiste: We are not in a position to compensate people for lost income, other than the PUP, or lost profits. If we are thinking of adjusting the scheme or bringing in a new scheme, it has to be about fixed costs. Somebody who stores stock in their own home does not have a fixed cost.

Deputy Réada Cronin: I have many constituents in north Kildare who suffer from asthma and chronic obstructive pulmonary disease, COPD, who want to know what stage the clean air strategy is at that was promised in the programme for Government. We in Ireland have one of the highest rates of lung disease in the world. The Irish Thoracic Society warns of an unprecedented crisis in lung health due to insufficient specialists and respiratory consultants. This problem is now going to be exacerbated by Covid and long Covid.

This week it was reported that air pollution is responsible for one in five deaths globally and one in ten in Europe. The Tánaiste is a doctor and he should get this; we need a strategy to be implemented as soon as possible. Could he tell me what stage it is at currently?

The Tánaiste: Hopefully, air pollution has reduced as a consequence of Covid and the lockdown given the significant decrease in transport-related emissions. I do not have a date for the clean air strategy. I do not know the date for its publication, but I will check it and make sure the Deputy's office is informed.

An Ceann Comhairle: We are just out of time but a few Deputies who wish to speak remain on the list. Some of them are not present but I will take the ones who are present if they ask their question in 30 seconds and then we will go back to the Tánaiste for a quick response. Deputy McAuliffe is not here. I call Deputy Murnane O'Connor.

Deputy Jennifer Murnane O'Connor: I welcome the reopening of schools for students with additional needs. I know the living with Covid plan is coming. It was reported in the newspapers today that we could be going into another five or six-week lockdown. I have been approached by small businesses in Carlow that are finding it difficult as they are unable to trade online. The food sector is operating a click-and-collect system. Could the Government consider extending it to small retail businesses? I understand we must be 100% compliant with Covid restrictions, but it is important.

Deputy Matt Carthy: This week the Committee of Public Accounts has asked the Government to stall the recruitment process for the new Secretary General of the Department of Health. If the process goes ahead, an additional €81,000 will be provided in remuneration for the position. The committee also dealt this week with the ever-increasing spiralling costs for the national children's hospital. We have two different scenarios; one in which we are told that the spiralling costs cannot be addressed at this stage and another concerning an outrageous increase in salary that we can stop. I urge the Tánaiste to ensure that it is stopped.

An Ceann Comhairle: Níl Deputy Tóibín anseo. I call Deputy Cahill.

Deputy Jackie Cahill: I appreciate being allowed to ask a question, a Cheann Comhairle. I wish to raise beef prices. We set up a forum to address the crisis in the beef industry. One of the key demands of stakeholders is that there would be price transparency. In the past two weeks, meat processors have dropped the price by 15 cent a kilo, while all the market indicators are that prices should be on an upward trend. Can the beef forum deliver transparency for primary producers?

An Ceann Comhairle: Deputy McHugh is not here. I call on the Tánaiste to respond.

The Tánaiste: Deputy Murnane O'Connor raised the issue of click and collect and whether we can restore it for retail businesses. We can certainly give that some consideration, but I cannot make any promises today. One of the difficulties that arose with click and collect is that it did cause people to leave the house to make journeys and interact with other people and there is a public health risk in that. We prefer deliveries to click and collect, but at some point it will come back, although perhaps not for a while yet. We will give it consideration.

The Department of Health will benefit from being led by someone who has a good record in containing spiralling costs. The new interim Secretary General has that record and may save the State a lot of money in that regard but, as far as I am aware, the process to appoint a new permanent Secretary General will continue.

I do not know whether the beef forum can offer transparency, but we will do our best to make sure it does.

An Ceann Comhairle: That concludes Questions on Promised Legislation.

Health (Parliamentary Oversight of Certain Instruments Relating to Covid-19) Bill 2021: First Stage

Deputy Pa Daly: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Health Act 1947, and for that purpose to provide for parliamentary oversight of regulations made by the Minister for Health under section 31A of that Act and of orders made by that Minister under section 31B of that Act and to provide for related matters.

From the beginning of the Covid-19 pandemic in May last year, the Government introduced the first regulations to deal with the situation. These have largely been to impose restrictions on society to protect our healthcare service and save lives. Unlike other jurisdictions, we did not declare a state of emergency and we do not have much of the legal architecture required. Using the Health Act was the correct choice and compliance has largely been good. It is unlikely that more legal powers would have changed the situation much as public trust and buy-in is most desirable. Dr. Holohan himself spoke about the dangers of using the law in public health matters, given that it drives breaches underground and may create issues with people being honest with tracking and tracing workers.

While we may not have had a harsh legal regime compared with other jurisdictions, the regulations under the Health Act are unprecedented restrictions on people's liberties. It is only

right and proper in a republic that Dáil Éireann is given a greater role in debating and scrutinising these restrictions to ensure that they are coherent, fair and logical. This has not always been the case. We remember the regulation that was introduced where receipts would have to be shown for exactly what people ate last summer. When we were debating criminalisation for violations of the regulations, we did not actually know what regulations were potentially going to be in place. The public and An Garda Síochána must be fully informed in advance of the content of the regulations but too often, they have not been. I have spoken to sergeants who have told me that they have received notice of the regulations late the night before they were supposed to introduce them on the streets and that is not acceptable.

I believe that this Bill will help with clarity and effective communication of the content of any proposed regulations. The House should not be placed in such a position again. The current Act requires that Parliament passes a motion annulling the regulations which, given that the Government commands a majority and controls the Order Paper, is unfair and burdensome. Under this Bill, regulations issued will be presumed annulled unless both Houses pass a motion affirming them. This would require the Executive to give the Dáil time to scrutinise and affirm any regulations or orders made. Accordingly, the separation of powers between Parliament and the Executive will, hopefully, be properly restored. This Bill reflects the situation that prevails in New Zealand. I thank Dr. David Kenny from Trinity College who gave evidence at the Special Committee on Covid-19 Response and recommended such measures. I also thank the Office of the Parliamentary Legal Advisers for the work and help that it provided in preparing the Bill.

Deputy David Cullinane: The Bill that we are proposing does not oppose regulations. We all accept that in a public health emergency, there will be a need for regulations to make sure that public health restrictions and interventions are put in place and that there are penal provisions, enforcement and punitive measures to ensure compliance with, and enforcement of, those restrictions and public health measures.

The difficulty and challenge that the Opposition has had over recent months, as I have said directly to the Minister for Health and Taoiseach when we have debated these issues, is that, while the Opposition has been largely supportive of measures brought forward by Government because we all accept that everything has to be done to keep people safe, there is a lack of accountability, scrutiny and transparency with regard to these regulations. The Minister for Health, who brings forward the regulations, accepted that they give sweeping powers to the State and to him. They allow for the putting in place of all of the public health restrictions and have an impact on individuals, families, workers and businesses, and people accept the reasons. When there is no proper scrutiny and no opportunity in the House to debate the regulations, never mind to vote for them, there is a democratic deficit and a lack of accountability, scrutiny and transparency.

Many of these measures are difficult and challenging for people, so we need to ensure there is maximum confidence that we are getting it right. There have been examples in the past of where some of the regulations were not properly thought out and created problems for the Government with instilling confidence that they were the right measures. It would have been better and the Government would have benefited from having more democratic scrutiny. The Bill calls for that and for these regulations for the public health emergency to be brought before the House for approval.

An Ceann Comhairle: Is the Bill opposed?

Minister for Health (Deputy Stephen Donnelly): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Deputy Pa Daly: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Industrial Relations (Provisions in Respect of Pension Entitlements of Retired Workers) Bill 2021: First Stage

Deputy Bríd Smith: I move:

That leave be granted to introduce a Bill entitled an Act to amend and extend certain rights and protections of retired persons and certain representative associations in relation to industrial relations and trade disputes and for that purpose to amend the Trade Union Acts 1871 to 1990 and the Industrial Relations Acts 1946 to 2019, to make provision for enhanced representation of retired workers in relation to the administration of certain pension schemes, to amend the Pensions Act 1990 and to provide for related matters.

Some years ago, outside the Dáil, I met with a large group of retired workers. I am sure that most Members did. It was days before the budget. Protests in that period were not unusual before Covid. They were there to present their grievances and issues that affected them. At the time of the protest, it struck me that they were well-organised, wearing high-visibility jackets and emblems. They were disciplined and orderly. It was impressive. It was not thousands of school kids against climate or people with a political axe to grind but they were serious about what they were there for. What was striking about the protest was the age profile. They were retired workers from across the public sector, semi-State sector and private industry. They were men and women who had worked all their lives, often since childhood, from the ages of 15 and 16 in a particular semi-State company or part of the private sector. They were men and women who gave service and their lives of labour. They witnessed many recessions and fought many campaigns to improve their livelihoods and the rights of their colleagues in their trade unions and workplaces. They were the epitome of the cohort that the Tánaiste likes to refer to when he claims to represent the interests of ordinary people. They got up early every day, paid their bills and their taxes. They then ended up outside Leinster House, protesting and asking us to listen to their grievances.

As they assembled there from various workplaces, both private and public, it seemed to be about why their pensions were under attack. It was not just why or how their pensions were under attack but the fact that they were left out of the discussion about what was to happen to their income and livelihoods for the rest of their lives. They had no say or voice in a process to change the terms and conditions of their pensions and livelihoods. The hurt was the common factor among them. We are not talking about retired workers with gold-plated pensions. They were not quibbling about hundreds of thousands of euro but asking for a say in what were really deferred wages, which is the golden rule of pensions. They are deferred wages.

In those scenarios where workers had their pensions affected, they wanted to have a say.

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This Bill will address the underlying economic and social injustice done to pensioners who have no say in what happens to their pensions. In the words of one retiree, the purpose of this Bill is to have “nothing about us without us”. It is to ensure that retired workers are consulted and involved in a process that will affect their pensions and, if they see the need, they will be able to take a case as a collective to the Workplace Relations Commission, which is currently not allowed. It will ensure that they are in the room when deals are being done that will materially affect their livelihoods. I thank that group of retired workers. Many have endorsed this Bill, the measures in which will seek to ensure that their voice is heard, both in the Workplace Relations Commission and on the boards of trustees.

In the words of the semi-State retired staff association to Members of this House, the proposed Bill represents an important step forward for the rights of retired employees. For years, they have lobbied for a change to rectify the injustice of former employees having effectively no voice with regard to their own pensions. They strongly advocate for support for this simple but elegant measure. I ask Deputies to support the Bill.

I thank Owen McCormack in my office, who has put a great amount of work into this, as well as the staff in the Office of Parliamentary Legal Advisers, OPLA, who have co-operated and worked extremely hard. Most of all, I thank the tens of thousands of retired workers who gave service to this country and to industries across it. They deserve to be recognised and to be around the table when their livelihoods stand to be affected and when something for which they have worked all their lives, a form of pension payment, is to be stripped away from them without them being given any say in the matter or without any knowledge of it. We will all grow old. We are growing older by the minute. From that perspective, this Bill affects all of us and all of our futures. I hope it will pass through these Houses.

An Ceann Comhairle: Is the Bill opposed?

Minister for Health (Deputy Stephen Donnelly): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members’ Bill, Second Stage must, under Standing Orders, be taken in Private Members’ time.

Deputy Bríd Smith: I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

Covid-19 Vaccination Programme: Statements

Minister for Health (Deputy Stephen Donnelly): I will be sharing time with the Minister of State, Deputy Butler. It has been 44 days since the first Covid-19 vaccine was administered in Ireland. Since Annie Lynch received her vaccine on 29 December, more than 240,000 vaccines have been administered. The programme is a significant logistical challenge and the focus of thousands of people, who are transporting and administering the vaccines and managing the programme. They have built a new vaccine infrastructure involving physical infrastructure, a workforce and IT resources. While there have been bumps along the way and will be more, this should not detract from the progress made so far. Thanks to the efforts of vaccination teams in every county, Ireland has one of the highest *per capita* rates of vaccine administration in the

European Union. This is a good performance and one which should give confidence in the capacity and determination of the Government, the Department of Health, the HSE and the many partner agencies working with us to deliver this critical vaccination programme.

We are still in the early stages but things will move quickly as supplies coming into the country increase. There is optimism about the authorisation of additional vaccines, including one which can be administered with just one dose. People's hopes for safety and protection from Covid-19 and, ultimately, for a return to a more normal life are wrapped up in this vaccination programme. The relief and joy reported when front-line healthcare teams or nursing homes residents are vaccinated is testament to the fear, anxiety and stress many have been carrying for the past year.

Our ambition for Ireland and our strategy for the vaccine programme is that supply will be the only constraint. The principle behind the programme is that the roll-out is to be fair, safe and effective. The implementation plans have already changed and will change again as new vaccines are authorised, as supplies are updated and as new information becomes available. The principles and ambition, however, remain the same. Our national solidarity with those most at risk is really strong. When asked, most people say that they want those who need the vaccine most to get it first. These principles are why we accelerated vaccination in the nearly 600 nursing homes from Inishowen to Mizen and from Achill to Dublin city. It is why we are starting to vaccinate those aged 85 and older from next week with the most effective vaccines available.

We are securing our supply through advance purchase agreements made by the European Union. What we are trying to achieve, a mass vaccination programme of this scale, is challenging. There is no point in pretending otherwise. Just yesterday, the President of the European Commission said that the EU had made mistakes, for example, when it came to Article 16 and Northern Ireland. She also urged the bloc to stick with the current strategy saying that she could not imagine what would have happened if a handful of the bigger European countries had outbid the smaller European countries. The EU-27 approach is right for Ireland and for Europe as a whole. Without it, smaller countries like Ireland would have struggled to secure contracted supply. By working as part of the EU, we now have advance purchase agreements in place for almost 16 million vaccine doses.

We now have three highly effective and safe vaccines authorised for use for all adults. The next phase of our vaccination programme is scheduled to begin this coming Monday. GPs are inviting those aged 85 and older to be vaccinated. The view of the Chief Medical Officer echoed that of the national immunisation advisory committee. Dr. Holohan's advice to me, which I accepted, is that the superior efficacy demonstrated by mRNA vaccines, including in older people, and the particular vulnerability of members this group should they get Covid-19 indicated that mRNA vaccines should be administered to all of those aged 70 years and older, where practicable. This advice is based on the validated clinical data available. Any new information on the effectiveness of the different vaccines will, of course, be reviewed as it becomes available.

The decision regarding the mRNA vaccines presented some pretty big logistical challenges for the HSE and for our GPs, given the need to store the Pfizer and Moderna vaccines at such low temperatures. I acknowledge the work done by the HSE to adjust in a very short time. I also acknowledge the superb response of GPs right across the country and of the Irish Medical Organisation, IMO, in stepping up to this challenge. Approximately seven in every ten

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GP practices will be able to administer the Pfizer and Moderna vaccines in their clinics. The HSE and the IMO are working with approximately 400 other smaller practices to implement local solutions. These include smaller GP practices coming together in hubs or joining up with larger GP practices. The plan is to distribute approximately 20,000 mRNA vaccines to the GP network next week specifically for those aged 85 and older. This will comprise approximately 8,000 doses of the Moderna vaccine and 12,000 doses of the Pfizer vaccine. The following week, we plan to increase that figure to approximately 50,000 vaccine doses. The plan is to increase the figure again the week after that. As with all vaccine forecasts, these plans are entirely dependent on supplies arriving into Ireland.

There will be people who cannot make the journey to a GP. Local solutions are being put in place for them. The important thing is that no one will be left behind. A solution will be found for everyone who cannot make it to the GP. There are also people who do not have a GP. They, or their families, can contact the HSE helpline on 1850 24 1850.

One implication of the using the mRNA vaccines for those aged 70 and older is that the vaccination of other cohorts can start earlier. On Monday of this week, we started to administer the first dose of vaccine for the remaining front-line workers. Next week, approximately 21,600 vaccine doses for this group will be distributed. Our plan is to have this group fully covered with its first dose this month. As with all vaccine forecasts, these plans are entirely dependent on supplies arriving into Ireland.

We are also working through the timing and sequencing of the fourth and later cohorts in the context of the decision on the mRNA vaccines. We can begin vaccinating these cohorts a little earlier as well. I hope to be in a position to update colleagues in the House in this regard next week. In preparing for the ramping up of vaccination programme, 5,800 vaccinators have been trained to date and we are adding to that on an ongoing basis. In time, we will need many more and detailed planning is being undertaken to that end.

Communications are, of course, essential to the vaccine programme and I am delighted to be able to share with the House the latest information we have that 85% of people surveyed now say that they will definitely, or probably, seek a vaccine. This figure has been moving steadily upwards. My view, and I believe the view of colleagues in the House, is that the more information we can provide publicly the better. To that end, two weeks ago I committed to colleagues that daily vaccine figures would be made available. These went online on the data hub last week and they were added to the Covid-19 tracker app yesterday. If people click on to their app, they will be asked to update the app and when that happens, they will now see the daily vaccine figures coming in on that also.

I also committed to ensuring that all Deputies and Senators received a daily briefing on the vaccine programme. That started this week, I believe on Tuesday, and I hope that colleagues will find this useful. If there is additional information that colleagues would like that would be useful to get on a daily or weekly basis, please just let me know and I will endeavour to get out all the information that they would find useful.

I finish by expressing my sincere thanks to colleagues in the Dáil and Seanad Éireann for their efforts in supporting the vaccine programme. While we will, of course, debate many of the operational aspects, as we should, Deputies and Senators right across the Oireachtas have shown invaluable solidarity in backing the safety and importance of the vaccine programme which is quite literally the light at the end of the tunnel. I thank the Ceann Comhairle.

Minister of State at the Department of Health (Deputy Mary Butler): Gabhaim buíochas leis an gCéann Comhairle. Ireland's vaccination programme against Covid-19 has been designed to ensure that those who are most vulnerable to the disease are the first to be protected. This, alongside the vaccination of health care workers, is to be welcomed.

On 24 January, the HSE completed roll-out of the first vaccine dose to the majority of residents and staff in nursing homes. Administration of the second vaccine dose is nearing completion. Those who were unable to receive the vaccine due to their Covid-19 status will be included once it is safe to do so.

Vaccinations in residential-congregated settings that were not included in the first series of the vaccine programme, such as unregistered voluntary and religious order service providers, commenced this week.

First doses have been completed in congregated disability and mental health settings for over 65s.

The vaccination programme has already served to be sufficiently adaptable in responding to delivery shortages and change. The vaccines that have been administered have undergone rigorous testing and review prior to their receiving conditional market authorisation from the European Commission. These measures ensure that the vaccines currently being administered to the most vulnerable of our citizens, as well as those who care for them, are both safe and effective. The expert views of the national immunisation advisory committee on which vaccines, AstraZeneca's or the two mRNA vaccines, should be administered to older people, is in line with this core principle of protecting those who are most vulnerable.

Subject to ensuring availability of a second dose of vaccine for all those to whom they are currently being administered, Ireland's strategy is to distribute all of the vaccines that we receive. The only limitation to the vaccination programme is the supply of vaccines.

The initial vaccine roll-out is focused on vaccinating those in the highest priority groups so that those at greatest risk of serious adverse consequences from Covid-19 are protected from it. The strategy is underpinned by ethical principles, with a strong focus on equitable access and prioritising those most in need. As the Minister of State charged with responsibility for older people, I welcome that the vaccine allocation strategy prioritises those over the age of 65 living in long-term residential care facilities, front-line healthcare workers who are in direct patient contact and those aged 70 and over. The HSE, in conjunction with immunisation experts, is evaluating the further stratification and sequencing of cohorts for vaccination.

I am pleased to note that HSE disability operations has recently briefed disability umbrella organisations on the vaccination of disability service staff. Disability services have continued to operate during the current restrictions, providing an essential service to individuals and their families. Vaccination of these important service providers will, in line with vaccination plans for front-line healthcare workers, commence in the coming weeks. Registration online for this cohort commenced on Tuesday, 9 February. I encourage all staff to register as soon as possible.

Front-line mental health workers will also be included in this vaccination plan for front-line healthcare workers. Specialist mental health services continue to operate and provide supports to children, young people and adults across the country in line with public health guidance.

The roll-out of Ireland's largest ever vaccination programme, less than one year after Co-

vid-19 was declared a public health emergency of international concern, is a huge achievement. The availability of three authorised vaccines within this timeframe, and the promise of others on the way, is unprecedented. I wish to acknowledge, with thanks, the efforts of all involved in bringing us to this important stage. The initial focus of the programme on those in the older age groups and health care workers highlights our commitment to a fair and equitable distribution of vaccines. As more vaccines become available, we will continue to ensure that they are distributed fairly and to those most in need until sufficient vaccines become available for everyone who wants to receive the vaccine.

Deputy David Cullinane: I wish to use my ten minutes for over and back exchanges with the Minister on questions rather than by making a statement.

My first question is on older people. Over the past number of weeks, we have been given different timeframes as to when those aged over 70 will be inoculated. It was March when we expected the AstraZeneca vaccine would be used for the over 70s. Obviously, we all expect the timeframe to change now but we have been told that it could be April, May or June. Can the Minister confirm, for the purposes of clarity and on the basis of the information that he has, what the estimated timeframe for fully inoculating all the over 70s?

Deputy Stephen Donnelly: I thank the Deputy for his question. As he will be aware, we will start on Monday with those aged 85 and older and then we are going from 80 to 84, 75 to 79, and then 70 to 74. These are the tiers within which we are doing this. This starts on Monday and the schedule I have suggests that the group will have finished its second doses by mid-May, but, as always, these things are dependent upon the supplies arriving. If we get the supplies that are forecast, and as we all now know these go up and down, it would be mid-May when the second dose has been completed.

Deputy David Cullinane: I accept that there are supply issues but the middle of May for all of the over 70s to be inoculated is a long time for those most at risk to wait. This will cause concern for many older people. I know that the GPs are ready to play their part as, we are told, are pharmacists. There are community vaccinators I am sure who can also play their part. It is very difficult when we hear that we were hoping that it would be the end of March and now it is the middle of May, and may be longer.

My second question, which I raised with the Minister last week and which I have to raise again, is on the issue of family carers. I have spoken to hundreds of family carers since he responded to me last week in the Chamber. He said that family carers are not being seen as a distinct cohort of people, in and of themselves, who will be vaccinated. They are very angry and sore about that. His response was that carers who work for the HSE and for private providers are seen as a priority and will be in priority 2 but family carers are not. We are talking here about people who care for very vulnerable children and there are many such people. I will relay one of hundreds of messages which I have received, this one from someone called Geraldine. She is caring for her son full time, who has profound disabilities and is non-verbal. He has been informed that he will be in the Covid-19 vaccination group 7. He needs care 24-7, his parents are 66 years old and 68 years old, and they are worried what will happen to him if they get Covid-19. The question has been asked about who cares for the carers.

In the spirit of what has been said to us in the past concerning it being possible for the allocation groups for vaccination to be looked at again and revisited, and given that family carers feel very sore and not very valued in this context when they hear the responses they have been

given, can the Minister re-examine this situation and ask the national immunisation advisory committee, NIAC, to re-examine it as well? I ask that because this is a cohort of people, in and of themselves, who need to be valued, respected and listened to when they are telling us of their experiences in the way in which they have.

Deputy Stephen Donnelly: If the Deputy does not mind, I will briefly return to those aged over 70 years and older. The timelines were we discussing before the decision on the mRNA vaccines had the end of March as the date when the administration of the first doses would have been complete, but because we are using the Pfizer-BioNTech and Moderna vaccines, and the supplies are different, that process has lengthened by about two weeks. It is not a shift from March to May. March was the completion time for the first dose and that has now shifted by about two weeks because we are using the mRNA vaccines.

Turning to the specific issue of carers, I hear what the Deputy is saying loud and clear. The Minister of State, Deputy Butler, and I had a meeting yesterday with many groups representing older people, and carers' groups were represented at that meeting as well. I have had many representations on this matter, as we all have. There is nothing that I and the rest of us would like more than to have no supply constraints now and to be able to vaccinate all these groups that do such incredible work. I state that because the cases and associated fears raised by the Deputy are similar to ones of which we are all aware. These are real concerns and worries.

I asked the HSE specifically about this point and about a clinical judgment in this regard, because we have debated it several times here in the House. We must remember that the decisions being made by the HSE on a clinical basis derive from the principle of using the vaccines to protect those people who are most vulnerable. Hence, we have started with those in long-term residential care settings and those aged 70 years and over because the information we have is that they are the highest risk categories. As more vaccine becomes available, we will of course be moving on to people who are family carers as quickly as we can. The clinical judgment which we got in respect of protecting those who are directly most at risk themselves was as we laid out here before. That is in no way to talk down the incredibly valuable work those carers do, and the real concerns being articulated by the Deputy.

Deputy David Cullinane: The Minister's response does not answer the question at all. The question I posed concerned whether these people are going to be considered as a distinct cohort in their own right. I think they should be. The Minister has obviously looked for a clinical assessment. I do not know what that assessment has been. While it does have to be underpinned medically, these are people who we all recognise are doing a lot of work. The people they are caring for need to be vaccinated of course, but those people also cannot be cared for if the carers themselves get sick with Covid-19. That is the point. The other point is that we draw, or at least the Minister and Government for whatever reason draw, a distinction that sees carers working for the HSE and private providers being treated differently to family carers. I do not accept that is the right course of action.

I have another question that has come up a great deal. I refer to people with medical conditions who need treatment and in many cases that is life-saving treatment. Those people's consultants and health specialists are telling them that they cannot or will not proceed with the treatment because of the risk of contracting Covid-19. One individual with whom I am dealing has multiple cancerous lumps, and he needs a mix of chemotherapy and radiotherapy. I have received many more representations, as I am sure has the Minister and other Deputies.

I spoke to Dr. Colm Henry of the HSE directly about this issue. He said he had made a recommendation to the national immunisation advisory committee. There are also patients who need kidney dialysis and that issue is also coming up regularly. These are people who need life-saving treatments, interventions and supports, and yet their clinicians are telling them that they are fearful about going ahead with such treatments if those patients are not vaccinated. Can the Minister confirm whether this issue has been resolved? It would be absolutely unacceptable if people were not able to get life-saving treatments and needed interventions because they cannot be vaccinated.

Deputy Stephen Donnelly: It is one of the most important questions with which we are dealing in the vaccination programme at present. I have asked the Department of Health and NIAC to take a look at the prioritisation. Given what we know now about the vaccines and that the programme is under way, I do not think we can often make changes to the prioritisation list. If we are making changes, I think we will probably do that once. I have great sympathy with the position of those people to whom the Deputy referred. I have made my view on that issue clear to the Department of Health.

NIAC is now doing detailed work regarding exactly the group about which the Deputy just spoke. Those people are currently in cohort 7, and that is a large group comprising people with underlying conditions. To address the Deputy's specific point, a group within that cohort are really high risk and that is an urgent situation. Over the next few days, therefore, NIAC will report back and we will be looking at that information, and that was what I was referencing in my opening statement. I refer to wanting to be able to report back to the House, ideally next week, on that exact point the Deputy has raised.

Deputy David Cullinane: I hope we will get progress on this issue, and I think everybody accepts it is an urgent issue. My final question concerns category 6 key workers. The decision to not use the AstraZeneca vaccine for those aged over 65 years old means that the people in this key worker group will be the second next category to be inoculated with the AstraZeneca vaccine. There is still no definition of who is a key worker. Has that work been done? I ask this question because we are being asked about this issue. We have many key workers, or people who see themselves as key workers, who are asking us where they sit and what is the definition and when are we going to see the detail in this respect. We have not seen it, and yet this category is going to be quickly part of the roll-out of the vaccination process. Can the Minister briefly explain where we are with that process?

An Ceann Comhairle: I ask the Minister to be very brief.

Deputy Stephen Donnelly: Very briefly, as part of that same exercise I just referred to involving those with underlying medical conditions, we are looking at this exact issue as well. I refer to key workers, essential workers and so forth.

An Ceann Comhairle: We now move to speakers from the Labour Party, and I call Deputy Kelly.

Deputy Alan Kelly: We know the number of people vaccinated as of today. The Minister has given us those figures. As of today, though, how many vaccines have we got from each of the three suppliers, respectively? Can the Minister give me the figures as of today for AstraZeneca, Pfizer-BioNTech and Moderna, respectively?

Deputy Stephen Donnelly: What I can give the Deputy is the delivery schedule, which I

asked for just before we came in. As of Sunday, the total number of vaccine doses which have come in is 272,000, and I will get a breakdown for the Deputy concerning those three vaccines which have come in so far.

Deputy Alan Kelly: I thank the Minister. If he could do that, it would be helpful so that we can deduce one from the other. The Minister can appreciate where I am going with this. On the AstraZeneca vaccine, I understand that the Government was very much taken aback, as we were, by the recommendation that came in regard to that vaccine. If there are situations where speed will trump perfection in getting the vaccine out to those who are very isolated, will consideration be given to using the AstraZeneca vaccine for those people? I am thinking of the purely practical issue concerning storage. Equally, if data are acquired in the coming weeks showing that the AstraZeneca vaccine is of use and is safe for those aged over 70 years of age, will he change back the criteria and speed of the roll-out? The Minister has outlined mid-May previously as the date in responses to me, but will he bring that forward by the two weeks that are being lost, or by as much as is possible?

Deputy Stephen Donnelly: On the first question from Deputy Kelly, I will be led by the clinical advice on that issue but I am certainly very open to doing just what the Deputy has suggested. The transport of the Pfizer and Moderna vaccines must be done in a very precise way. It is not possible, for example, to have a GP put those vaccines in the back of his or her car and drive around the hills of Tipperary or Wicklow. It may be the case, therefore, and we will be led by the clinicians on this issue, that in some isolated circumstances the AstraZeneca vaccine is the right one to use. As we know, it has been cleared as safe and effective for all age groups.

Will Deputy Kelly remind me of his second question, please?

Deputy Alan Kelly: My second question concerned changes in the data regarding the AstraZeneca vaccine. If the data changes will the Minister bring forward the timelines? The Minister has said mid-May but could that potentially could come forward if the data changes on the use of that vaccine for people over the age of 70?

Deputy Stephen Donnelly: Yes, absolutely. The validated data show an efficacy of 58% or 59%. The Oxford trials, for example, have that figure as a little bit higher. I believe the UK is about to publish field data, which may be higher again. We must keep all of that under review. If we find out that the effectiveness changes, which is updated based on more and more information, then we absolutely have to update the delivery plan accordingly.

Deputy Alan Kelly: Hopefully that data will come in. That would help with the whole roll out. I have further questions and I will put them to the Minister together because of time limitations. While I do not want to stick the Minister to anything, I want to be realistic. I presume the timeline for everybody resident in Ireland to be vaccinated by September is a date that is out the window. Will the Minister confirm this either way?

Have the people who live in assisted living facilities, such as in Sue Ryder accommodation, been vaccinated? What is the plan there? They are different age cohorts but the mix is the important thing in that regard.

GPs will get a dose of vaccines and will go through their patient list of people over the age of 85. We are all aware of situations where they may have some vials left over. If the doctors drift into the 80 to 84 year olds will there be an issue? I presume that common sense for GPs will be at play here.

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Deputy Stephen Donnelly: I will ask Minister of State, Deputy Butler, to answer Deputy Kelly's question on those who live in assisted living.

With regard to GPs, the answer is "Yes". One of the principles is that we do not waste any doses. If a GP has 20 doses available and has 16 people who are 85 years old or over, it would make sense for the GP to bring in some of the next group for exactly that reason.

On the September timeline I will again caveat the reply, as I have tried to do many times, by saying that it is all highly provisional. It was construed publicly as making promises. These are not promises. Based on the highly conditional forecasts it would still be possible to meet the September date. Again, this is highly dependent on supply.

Deputy Mary Butler: I thank the Deputy for the question. For those people in assisted living facilities that are not registered with HIQA, mostly religious organisations, vaccination commenced on Monday, 8 February for people over the age of 65. It is for those people living in accommodation such as the Matthew Shea Home, the Sue Ryder homes, and the non-registered facilities that are, as I said, run by religious organisations. These vaccinations were brought ahead to the beginning of this week because there are fears around the weather at the end of the week. We expect to have 9,000 people in those settings vaccinated this week.

Deputy John Lahart: A great book by the author Dr. Ida Milne is a treatise on the Spanish flu. Dr. Milne tells the story of a battalion of US soldiers who arrived at the Western Front in France in September 1918, who fought on the front in October, with the war ending in November. Some 440 of that battalion succumbed to the Spanish flu and only a small fraction succumbed in action. The metaphor is not lost in our time now. I think of those constituents such as the kidney dialysis patients in particular. One driver, who brings this particular constituent to hospital for dialysis, tested positive for Covid. The patient then had to undergo ten tests. Having listened to the Minister and the Minister of State on the agility and flexibility of the vaccination programme I ask them to be conscious of that situation. I hope an abundance of supply will assist us in that flexibility.

What can the Minister say, in the remaining minute and a half of my time, for those people who are availing of homecare packages, as they are essentially in hospital but at home?

Deputy Mary Butler: People who might currently be in hospital but also avail of homecare packages will receive the vaccine when they return home. A person must be in the same setting between 22 and 28 days in order to receive the second dose of the vaccine. An older person who is in hospital today, for example, but due to be released at the end of the week, will not receive the vaccine in the hospital setting. He or she will receive it while in their home setting.

Deputy John Lahart: What if the person is at home now but availing of a homecare package?

Deputy Mary Butler: The person will receive the vaccine when the GP surgery calls them, starting next Monday. The second vaccine will be administered through the GP also.

Deputy John Lahart: Is that chronological also? Is it according to the age of the person? Must a person aged 62 with a homecare package wait his or her turn? It will not be up to the GP to say a patient is more in need because his or her situation is particularly fragile.

Deputy Mary Butler: At the moment it will be determined purely by age.

Deputy Kieran O'Donnell: I have written to the HSE seeking details of the allocation of vaccines to all hospitals in the State. I was waiting for two weeks and got a very general and meandering response back from the HSE that basically said it was allocated based on various criteria. Will the Minister confirm this?

The HSE said the criteria was given to hospital groups in the first week in January in a pilot scheme to level 4 hospitals: St. James' Hospital, Beaumont, Cork and Galway. There was no mention of Limerick. University Hospital Limerick, UHL, is a level 4 hospital. We were also told that it was not allocated to UHL in the mid-west in Limerick because the HSE had put out requests and none was forthcoming from UHL. What is the correct position?

Will the Minister ensure that I get details on the actual roll out of the vaccine? All I want is transparency and that each area is treated equitably. I believe that Limerick and the mid-west is behind, but the people who do the vaccinations are doing incredible work. I ask the Minister to reply to these questions first and then I will have one final question for him.

Deputy Stephen Donnelly: The Deputy's statement on the roll-out is correct. For the first few days it was based on the four pilots. That was done in response to very clear advice from the national immunisation advisory committee, NIAC, as to how they wanted it rolled out for the first week or so. Then the HSE contacted the various hospital groups and distributed vaccine based initially on their capacity to distribute it to the correct groups. The prioritisation was done based on the published prioritisation list from the chief clinical officer.

On the Deputy's second question, he will have to get that detail. I agree that there must be transparency on the distribution around the country. I will certainly ask the HSE to provide that information to the Deputy.

Deputy Kieran O'Donnell: I have two final questions. Will the Minister follow up? I believe that when the vaccines are being allocated we need to get a disproportionate number of vaccines to catch up with the other agencies.

I will conclude on a more general question. What will the situation be when people get the first and second dose of vaccine? Where does the Minister see it playing out over the next 12 months? How long does the vaccination last? Will we be into a cycle of the vaccine being rolled out every year? What is the plan for rolling it out every year to people?

Deputy Stephen Donnelly: It is a really good question. The scientific and medical community cannot answer it yet because the vaccines are being administered for the very first time. There are several unknowns at the moment including the impact on transmissibility, more detail on the effectiveness and the duration of protection, as referred to by Deputy O'Donnell. Those things are not known right now. It could be an annual situation like the flu vaccine, or maybe people will get protection for several years as with other vaccines. We do not know yet.

Deputy Joe Flaherty: I am increasingly concerned about the plight of family carers. I was contacted recently by one such carer who was especially keen that I would outline her case to the Minister to give some context to the challenges she faces. In essence, this Drumlish mother is the carer to three people. She cares for her elderly mother who lives a short distance away but is isolating and is totally dependent on her daughter. She also cares for her son who is in his 20s and is autistic. Unfortunately he has been hospitalised no fewer than seven times since October and has undergone emergency surgery on four occasions.

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She also has a second son who is a chronic diabetic. Across the family unit, in two homes, she is caring for three people. Obviously, she has support from her husband, but the reality is that this carer has spent the best part of a year isolating herself, afraid to go out and mix with people. Effectively her life has been put on hold. She has no issue with this; she loves her family dearly. Her mother will get vaccinated quite soon and hopefully her son, who is at high risk, will also be vaccinated. Many of us believe that when those people are vaccinated, she should also be vaccinated.

On behalf of the Longford branch of the Irish Kidney Association, I raise the issue of dialysis. At the end of last year, the national renal office urged that the 2,000 dialysis patients be prioritised at the same level as people aged over 65. Several of my colleagues have already outlined the situation of dialysis patients. I take on board what the Minister said earlier in offering his personal views on it. Hopefully, there can be some movement on that.

I welcome that the roll-out of the vaccine for the elderly through GPs will start next week. However, I wish to highlight two examples. I know a couple in Ballymahon; the husband is 88 and the wife is 84. Hopefully, she will drive him to get his vaccine. Surely in such cases there should be some discretion for a GP to make some change to the criteria. I know a man aged in 81 living in Granard who has Parkinson's disease and is at high risk. I hope there is some discretion for GPs in such cases.

Deputy Stephen Donnelly: The national immunisation advisory committee is looking very closely at people who are undergoing dialysis along with many other vulnerable people with underlying conditions. It will report back to the Department of Health, and the Chief Medical Officer and his team will consider that. We will decide if it is appropriate at that stage to make some changes.

Regarding carers, there is no question but that the lady the Deputy mentioned deserves a vaccine. We would like nothing more than to go into that household with four vaccines. However, because we have limited supply, we need to make some hard choices. The first thing we want to do is vaccinate the three people she is caring for and then vaccinate her as quickly as possible.

Deputy Louise O'Reilly: A few weeks ago, in response to a parliamentary question I submitted, the Department confirmed that the HSE database for vaccinations for healthcare workers is live and managing all vaccinations for healthcare workers. What percentage of healthcare professionals have been vaccinated, by grade, group and category, and how many have received one dose and two doses? I ask the Minister to confirm that the figure includes contract staff, including contract cleaners, agency nurses and people who may not be part of the HSE whole-time equivalent staff but are very definitely front-line workers working in our hospitals. If he cannot give that information now, he can give it to me in writing.

Deputy Stephen Donnelly: My understanding is that the contractors who are working in the HSE are included. For example, we are not differentiating between a doctor or a nurse who works in a HSE hospital and those working in a private hospital or a nursing home, the vast majority of which are private. To the best of my knowledge, no distinction has been made between public and private, which is the right thing to do.

I will need to provide the Deputy with a written response containing the breakdown between

the different grades and so forth because it will depend on exactly what information is being recorded by the system.

Deputy Louise O'Reilly: I ask for that to include contract cleaners. There is a very specific issue - I can talk to the Minister about it afterwards - with contract cleaners not necessarily being included, even though we all agree they should be.

I wish to ask about an issue relating to procurement. The HSE paid Roqu Media International €10 million to import ventilators from China which were never used. Roqu Media is a festival management company. I suppose we can all roll our eyes collectively over why we were getting ventilators from such a company. What is the dispute between Roqu Media and the HSE that has resulted in the HSE denying journalists freedom of information requests due to commercial sensitivity? How advanced is this dispute given that the transactions happened ten months ago? Where do things stand given that Roqu Media claims there is no dispute? How many suppliers supplied the 465 ventilators? Who are they? Where are the machines now? Have the quality issues with the ventilators been addressed by the Department to the extent that the Minister would be confident that there will not be a recurrence of the situation that arose?

Deputy Stephen Donnelly: I will get the Deputy a written reply to the specific case she mentioned.

I will make two quick points on the ventilators. The Deputy and I, along with other Deputies in the Chamber, were very much involved in asking the HSE to do at the time whatever it took to get these ventilators in. We all remember the enormous pressure for PPE, ventilators and so forth. I have no doubt that there will be a review. In any such review we need to bear in mind the context in which that was done. Shortly after coming into office last June, I wrote to the HSE board and asked for an audit of the full amount because hundreds of millions of euro were spent in a time of emergency. I asked for an audit of that to answer exactly some of the questions the Deputy very reasonably asked. That work is ongoing. When we have the results of that audit, obviously, I will be very happy to share them.

Deputy Róisín Shortall: Everybody appreciates the significant logistical challenges involved in the vaccine roll-out programme. It is important to have transparency and for the Minister to share as much information as possible. Obviously, it is subject to change and that is fully appreciated. It is good to receive the daily figures for the number of vaccines given. The other side of that is obviously the plan we have for the vaccines that have arrived in the country. People appreciate that is subject to change. However, the Minister should at least give us the breakdown of the people who have received the vaccine. It would be worthwhile to have other information that would let people know exactly what is going on so that we do not need to drag it out of the Minister every week here. Much more could be done in that regard.

We can all make cases for different groups of people who should have a higher priority. I reiterate the point about people who have serious underlying life-threatening health conditions, including transplant recipients. These are people who have similar mortality rates to the over 70s in long-term care facilities. They are aged under 70 and go right down to teenagers with serious underlying life-threatening conditions. Over the past year, cocooning has had an impact on these individuals and their wider families who, in many cases, need to move out of the family home. That is a very distinct group. They are clinically identifiable. It is very important that consideration be given to that group whose lives are in danger and who must have a high priority as a result. I again stress the importance of that bearing in mind that there are also teenagers

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in that group who need consideration. I note what the Minister said earlier.

The next issue relates to the number of residents and staff in nursing homes who have yet to receive their first dose of the vaccine. I have been looking for that information for the past two weeks. Can the Minister provide it now? What is the estimated date for completion of all vaccinations in nursing homes and long-term care facilities?

What is the up-to-date position on the efficacy of current vaccines in dealing with the known variants, specifically the South African and Brazilian variants? What is the up-to-date advice on the impact of transmissibility on the three vaccines currently in use?

My next question relates to the gap between the first and second doses of a vaccine. Fire-fighters were recently told, when they got their first dose, that it would be 12 weeks until they got their second dose. Why is that?

Deputy Mary Butler: I thank the Deputy for her question on nursing homes. Residents in the initial 27 nursing homes that were done the first week have received their second dose. For the next two weeks, starting next Monday, all nursing homes will get their second dose and they have received their date for that. As regards the people who have-----

Deputy Róisín Shortall: With all due respect, I asked how many residents and staff in nursing homes have yet to receive their first dose-----

Deputy Mary Butler: I was just going to answer that.

Deputy Róisín Shortall: -----and what the estimated date is for completing the second dose.

Deputy Mary Butler: It is hard to give an estimated date because those who missed out have to be 28 days clear of Covid to get the vaccine. These vaccinations will be conducted, where possible, alongside delivery of the second dose, which will happen in the next two weeks. At CHO level, targeted clinics-----

Deputy Róisín Shortall: What is the number?

Deputy Mary Butler: My understanding is that it is approximately 3,000 people.

Deputy Róisín Shortall: I thank the Minister of State.

Deputy Stephen Donnelly: With regard to the gap between doses, there are different gaps. The clinical advice for the Pfizer and Moderna vaccines is 28 days. With Pfizer, there was a range of between 21 and 28 days and the HSE has chosen 28. The gap between the first and second doses for all age groups is 28 days for that vaccine. AstraZeneca is different. For those above the age of 65, the advice is to leave a gap of four to six weeks and that is what the HSE is going with. For those under 65, the advice is four to 12 weeks and the HSE is going with 12 weeks. That is what the UK went with and the preliminary evidence from the UK suggests that the greatest immune response occurs with a 12-week gap.

As regards the efficacy of the different vaccines on the variants, that work is still under way and our expert group is waiting for some results. The scientific community has not yet produced the results on transmissibility. That is one of the big questions, which has strategic implications for the vaccination programme.

I fully agree with the Deputy's point on serious underlying conditions and we are looking at that issue right now.

Deputy Róisín Shortall: Does that include teenagers?

Deputy Stephen Donnelly: Yes, but there is an added complication in that the clinical trial data on under 18s are not back yet.

Deputy Róisín Shortall: The Minister had suggested that 16 to 18-year-olds-----

An Ceann Comhairle: We are out of time, Deputy. I am sorry but we are taking other people's time.

Deputy Róisín Shortall: Will the Minister clarify that?

An Ceann Comhairle: I ask the Minister to write to Deputy Shortall and update her on that matter. I call Deputy Niamh Smyth.

Deputy Niamh Smyth: As the delivery of the vaccine progresses, I ask that front-line staff like paramedics be urgently vaccinated, as they are in many cases on the front line and working in uncontrolled environments. Paramedics come upon car accidents, go into people's homes and deal with various situations, often going into unknown circumstances. Paramedics in Cavan-Monaghan have been in contact with me and they were frustrated, annoyed and concerned that they were being sent to St. Mary's Hospital in the Phoenix Park for their vaccinations and were not being vaccinated locally like other front-line staff. That may have changed in recent days and some of them may be being vaccinated closer to home but given that we are all trying to do our bit in restricting travel, the idea of them travelling to the Phoenix Park for a vaccination does not make much sense. I would like the Minister to keep an eye on that, to ensure that is not the case and that they are looked after in their own local area.

Like many other Deputies, I have received numerous pleas to bring vulnerable kidney patients, especially those on dialysis, to the forefront of the vaccination programme. These patients must attend hospital care facilities for treatment at least three times a week and for a minimum of three hours at a time. Despite strict protocols to minimise infections, such patients remain at risk of transmission between patients and staff and are in hospital often. Most organ transplant recipients, including over 2,600 kidney transplant recipients, have suppressed immune systems, which add to their high risk of infection and inability to fight the virus. Many of my colleagues in the Chamber have made the same case to the Minister. These people should certainly be moved up much higher as regards priority in the roll-out of the vaccine.

The Government will be announcing mass vaccination centres over the coming days. In my constituency of Cavan-Monaghan, numerous hoteliers such as the Hotel Kilmore in Cavan and the Hillgrove Hotel in Monaghan have contacted me, as have local football clubs. The GAA has been four-square behind communities in protecting, helping and enabling people during this difficult time. These places have excellent facilities that allow space, capacity, footfall and all the things I am sure the Minister and the HSE take into consideration when planning the mass vaccination centres. I ask the Minister to look at clubs like Mullahoran in County Cavan or Bailieborough Shamrocks, as well as the hotels I have mentioned. These places have the facilities and they are available and ready to go. Will the Minister respond to my request?

Deputy Stephen Donnelly: How long do I have?

Deputy Niamh Smyth: If there is not time, I ask the Minister to respond in writing.

An Ceann Comhairle: Maybe we will hear from the other two contributors before the Minister responds. I call Deputy O'Sullivan.

Deputy Pádraig O'Sullivan: I will try to be brief and allow the Minister to come back in. I welcome his comments regarding kidney and dialysis patients. I also raise the case of sufferers of cystic fibrosis. Approximately 1,300 adults and children in this country suffer from that disease. Being in here talking about vaccines and trying to get them out to people quickly reminds me of the parable of the loaves and the fishes. It is difficult and there are stresses on the system. We are doing our best to prioritise those who need the vaccine most. I ask the Minister to take cystic fibrosis sufferers into consideration.

I refer to pharmacies and the vaccination process for over-70s in particular. I ask the Minister to clarify the reasons pharmacists cannot vaccinate the over-70s. Is there a clinical reason? Will the Minister elaborate on that? Pharmacists and their staff have the training and safeguards in place to deal with any adverse event that may arise from the vaccination process. We understand that there will be problems with the delivery of the vaccine and that supply will peak and trough but assigning the vaccination of over-70s solely to GPs is likely to cause further unnecessary delays in the administration of the vaccine. I ask the Minister to provide clarity on the pharmacy issue.

Deputy Alan Dillon: I will keep my question short in order to allow the Minister to respond. Other Deputies have raised concerns around the lack of clarity regarding timelines, logistics and people's places in the vaccine allocation groups. I also raise the issue of kidney patients, particularly those on dialysis, and cystic fibrosis patients, who require additional clinical preparation. I have also heard from different GPs and staff in their surgeries about the lack of clarity around the allocation of vaccines. They have registered on the portal and they are inundated with requests and messages. The same is true of pharmacists and pharmacy staff. More information is required. I am conscious that timelines are subject to supply being available but it is much better to avoid an information vacuum, which will only generate speculation and anxiety among the public.

An Ceann Comhairle: I ask the Minister to deal with as many questions from the three Deputies as possible and correspond with them on the others.

Deputy Stephen Donnelly: Absolutely. I thank all three Deputies for their questions. On Deputy Niamh Smyth's questions, paramedics are included in the first group and are being vaccinated now as front-line healthcare workers. All three Deputies asked about people with underlying conditions. As we discussed earlier, very detailed work is being done by the national immunisation advisory committee to look at that issue. We are all agreed on the matter of people within the group with underlying conditions who are very high-risk. That is being looked at right now and I have asked the Department to do a review of it. I hope to be able to report to colleagues on that next week.

In terms of the vaccination centres, the situation is as follows. There are 34 vaccination centres being worked on by the HSE. The aim is to have these ready by mid-March. They will be needed in quarter 2. Some of them may be used by GPs before they are used for the next phase, when there will be much higher volumes. On the questions regarding pharmacies, the two issues are related. An operational decision was taken by the HSE to use the GP network to

vaccinate those who are 70 and older. Critically, that is not forecast to cause any delays. Again, the principle that is being used is that the only constraint on administering the vaccines is the supply of vaccines into the country. I can commit to colleagues that if it was the case that the GP network was not capable of handling the volume coming through, we would immediately look to expand upon that. The thinking is that the pharmacists will be essential to this programme. We have the deal in place for the pharmacists. If we get the supply in, the volumes will increase considerably. This is where the pharmacists will come in.

Deputy Paul Donnelly: I want to raise the issue of the roll-out of vaccines for community-based services such as homeless services, community drugs teams, counselling services and services for children with autism and other disability services. Many workers in these services were seconded to the HSE during the first wave and were valued members of the HSE during that very difficult time. At this stage, many or all of them have returned to work in their services and they are dealing again with vulnerable service users. This is important work but, unfortunately, much of it is taking place via Zoom or through phone calls. There is no one-on-one interaction in terms of the delivery of these services, which is a critical piece of their service delivery.

Earlier, reference was made to the loaves and fishes in terms of trying to get the vaccine to as many people as quickly as possible. We all acknowledge that the pandemic has taken a serious toll on the mental and physical health of people in our communities, particularly the most vulnerable in our communities. It is vital that services are up and running again as quickly as possible. There is an enormous challenge facing us into the future because of the restrictions under which many of these services have been operating up to now.

I would to speak about a particular service in which I am involved. There are four front-line workers, an administration staff member and a co-ordinator involved in this project, which works with vulnerable people within our community. The four front-line workers have been asked to register for their vaccination, and have done so, but the other two staff have not been asked to register despite that they are a critical piece of this service. There are so many services across the State that similarly are small compact services in which staff work closely. It is important that administrative and other staff be given the vaccine at the same time as the front-line workers. In my opinion, and that of the staff about whom I am speaking, they are front-line workers in terms of the workings of these services.

Deputy Stephen Donnelly: The sentiments expressed by the Deputy are shared across the House. These staff provide critical services. I will ask my officials to email to the Deputy a link to the HSE's document published on 5 February, which contains guidelines for sequencing and registration for healthcare workers and seeks to answer the questions the Deputy has raised. For example, sequence group 2d relates to healthcare workers who deal with unscheduled care patients in a controlled environment on a daily basis, for example, patient-facing staff who work in inpatient residential care areas that provide care for unscheduled care service users and community settings providing walk-in access for patients and service users, such as walk-in community services, addiction services, homelessness services and walk-in mental health facilities. It may not respond exactly to what the Deputy has articulated in terms of all the different groups within those vital services, but it at least provides a clear prioritisation in terms of how we get to all of the people we need to vaccinate as quickly as possible.

Deputy Richard Boyd Barrett: I am sharing time with Deputy Paul Murphy. I have one very specific question which the Minister probably will not have an answer today so I ask him

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to bank it and come back to me on it. The Minister will be aware of the concern expressed by the South African Government in regard to the efficacy of the AstraZeneca vaccine in terms of the variant in that country. I have been contacted by at least two healthcare workers here who are working with people who are quarantining following their arrival into this country and who are concerned they may come into contact with that variant and will be offered the AstraZeneca vaccine rather than the Pfizer or Moderna vaccines. I ask the Minister to respond as to whether that is a just concern.

The following is the main point I want to make. The problem in this country and across the world is there is not enough vaccine. People need to know that a significant contributory factor in that regard is the greed of the vaccine producers in terms of profit and their refusal, as is being demanded by the People's Vaccine Alliance, to share the formula and intellectual property that would allow other vaccine producers to produce vaccine in large quantities. Pfizer, Moderna and AstraZeneca are only planning to produce enough vaccine for one third of the world's population between them, most of which is being sold to the rich countries. The biggest manufacturers of vaccines in the world are barely producing any, either because they do not want to or because they are not being given the mechanisms to do it. According to UNICEF, only 46% of global capacity to produce Covid-19 vaccines is being utilised because of problems around intellectual property rights. This is a disgrace and it threatens to undermine the vaccine effort on a global level.

The three largest vaccine producers in the world have bases in this country and could produce vaccines but they are not doing so. That is an outrage. As the Minister is aware, there is a global campaign, supported by Oxfam, UNICEF, and many others calling for the Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, to be suspended at the World Trade Organization meeting in March, which would allow for a dramatic ramping up of vaccine production. Does the Minister support the People's Vaccine Alliance campaign and will he call for the suspension of the intellectual property rights of monopolies over the right to produce these vaccines at the WTO meeting? I would like a direct answer to that question.

An Ceann Comhairle: Let us hear from Deputy Paul Murphy and then we will get answers to both Deputies' questions.

Deputy Paul Murphy: My question relates to Deputy Boyd Barrett's question so I would like to hear the Minister's response before I come in.

Deputy Stephen Donnelly: We need a global solution to this issue for all sorts of reasons. We need it for ethical and moral reasons. We also need it for reasons of self-interest. There is no point in Ireland fully vaccinating its people when we live in a globalised world. We need a global solution. Given that we need a global solution for ethical and moral reasons and for our own self-interest, is the solution the suspension of intellectual property? Maybe it is but I would be concerned about that as the solution and I will state why. These pharmaceutical companies, against which the Deputy rails, have produced, in an unprecedented short timeframe, an array of vaccines that are highly effective and we are now using. Only a few months ago, eminent experts were telling me that it could be years, if ever, before we had vaccines for Covid-19. If this were the only virus of its type that we were ever going to see, then maybe that could be something. However, I will tell the Deputies what my concern would be. It is that if there were a move to say we are suspending intellectual property, in the case of the next virus or variant that arrives, those very same companies that we need to produce the vaccines would ask why should they.

Deputy Paul Murphy: The time for the Minister to ask questions about whether this is something we should do, or to say that we could do it or not do it but he has concerns, is over. He has responsibility in this matter as Minister. The EU is blocking the suspension of the waiver. The EU, by refusing to take on the big pharmaceutical companies, is blocking the vaccine from being used across the globe. It might be 2024 or later by the time we have global vaccination. These vaccines were developed in large part through more than €5 billion of public money. Ms Winnie Byanyima of the UN told an Oireachtas committee this week that big pharma is protecting its monopolies, technology and intellectual property and thus restricting production of Covid vaccines. That is criminal. It is immoral and it is also a health danger to people in this country as well as around the world. Has the Minister discussed this with the other health ministers? Has he raised it at all with his EU counterparts? As things stand, the EU is going to stand with some other major countries in blocking the waiver and blocking access to the vaccine for most people in the world.

An Ceann Comhairle: The next speaker is Deputy Brendan Smith and he is sharing time with Deputies O'Connor and Richmond.

Deputy Brendan Smith: I welcome the comments today by the Minister, Deputy Stephen Donnelly, and the Minister of State, Deputy Butler, in regard to the vaccination programme. Both have consistently indicated that they want the programme to be rolled out fairly and that those most in need will be prioritised. That has to be the basis for rolling out the largest ever vaccination programme in the history of our country.

I welcome the Minister's confirmation that 85% of the public have indicated that they want to have the vaccine made available to them. The vaccination programme already involves additional partnerships with GPs, pharmacists and other healthcare professionals. I welcome their determination and interest in ensuring the programme is rolled out as rapidly as possible. I am also glad that GPs at local level will share facilities where necessary to ensure the vaccination programme is administered as locally as possible. For some weeks, I have been contacting the HSE at local level to give the names and details of various community and sporting organisations that want to make their facilities available should they be of particular use.

I had the opportunity earlier today to discuss with the Minister the very strong requests made by kidney patients in respect of the vaccination programme. They have outlined to all of us very clearly the need to reassess the programme in terms of when they will get their vaccine. They highlight very strongly that domestic and international expert medical opinion makes a strong case on both medical and ethical grounds for the need for all kidney patients to be vaccinated earlier than currently planned. I sincerely hope the Minister can give that particular request detailed and urgent consideration.

The Minister will recall that I have raised on numerous occasions the need to ensure the strict implementation of restrictions on travel, both for people within this State and people visiting the State. I very much welcome the new restrictions that came into place earlier this week. I genuinely believe that people visiting the State should be subject to the same travel restrictions as are people ordinarily resident here. It is a welcome move. I also welcome the Government's commitment to impose harsher penalties on people travelling outside the State and coming back here on non-essential travel.

Deputy James O'Connor: I thank the Minister, Deputy Stephen Donnelly, and the Minister of State, Deputy Butler, for being here today. The Minister spoke earlier about the need for

a global solution to the Covid-19 crisis and he is right about that. I have put questions to him multiple times in the House and made statements on matters pertaining to Covid. An issue with which I am quite disappointed at a European level is the EU's attitude to a multilateral approach to research in the area of antigen testing and having a set antigen strategy across the Union. We know we are going to be in a situation where we cannot get our entire population inoculated during 2021. There is a significant risk that this entire year will be lost because of the Covid-19 pandemic. That is neither the Minister's fault nor that of any Minister in the Government. However, we should be trying to invest in research into ways in which we can give people the ability to live alongside this virus to some degree.

Antigen testing offers a channel to do that. I cannot understand why it is not being done at a European level. When the Minister is at the next meeting of the Council of Europe with his health ministerial colleagues, will he put that point to them? I also ask that he feed back the disappointment I have as a parliamentarian, which I am sure others in this House share, regarding the EU's performance in the area of Covid. It has not been up to scratch and the Commission has let us down quite badly. I say that as somebody who is a proud European and very much in favour of the European project. We need to feed the message back that the EU has not lived up to our expectations and it must do more.

Deputy Neale Richmond: I thank the Minister for coming to the House for this debate. I welcome his announcement that there is to be a review of the vaccination schedule for chronically ill people such as the 1,400 sufferers of cystic fibrosis and those requiring kidney treatment, whether dialysis or otherwise. I ask that he expand on his answer about when that review might be completed. We need to provide some element of hope and succour to the very many patients around the country, and their families, who are very worried and have been really struggling with the cocooning process.

The other issue I wish to raise is slightly wider and ties in a little to what Deputy O'Connor mentioned. It relates to vaccine supply. I raised this issue the last time we had an opportunity to ask the Minister about the European procurement process. Can he provide any detail on the reports that both AstraZeneca and Pfizer-BioNTech will be able to scale up the production of their vaccines and what that might mean for Ireland's allocation of vaccines? I will finish there to allow the Minister time to respond.

Deputy Stephen Donnelly: I thank the Deputies for their questions. The question on rapid testing is a very good and pertinent one. I have raised with the Commission and the other health ministers that there should be a centralised clearing house and some sort of co-ordination in terms of the ability to validate and then deploy antigen testing and also to share information across the EU. I can say to the Deputy that I think there is a bigger opportunity to use antigen and rapid testing in this country. I have set up an expert group chaired by Professor Mark Ferguson, who is director of Science Foundation Ireland and the Government's chief scientific adviser. He is looking at a quick review to see what are the appropriate tests to use, where are the appropriate settings to use them and how they should be used. I know he is doing very good work. In fact, I had to miss, with much regret, a meeting as part of his work that he set up with a Nobel laureate on exactly this issue last Friday.

In regard to underlying conditions, I ask that we pause here for a second. We have talked about this several times today. What I do not want to do is send out a message of false hope for any particular group. I am very aware that there will be people who are very sick, people who are dealing with very serious conditions and people who, quite understandably, very badly

want to get vaccinated. They want to see where they are at. I do not want to give any false impressions. I ask that we be very clear on this because various groups have been raised today, including people with cystic fibrosis and those dealing with kidney issues, be it kidney transplant, dialysis and so forth. What I am saying is that I have asked the Department to review the situation specifically with regards to those who are very vulnerable to Covid because of underlying conditions. They will be a subset of what is currently cohort 7. There are many hundreds of thousands in that cohort because it covers everyone with an underlying condition. There is a smaller group within that who are really very susceptible. NIAC is doing some very detailed analysis on that now and I am expecting it to report back to the Department next week. The Chief Medical Officer and the Department of Health will be scrutinising that in great detail and I hope to be able to report to colleagues next week. I may not have all of the information and I may not have fully agreed answers for colleagues next week but I certainly want to be able to report back because I share the very serious concerns that have been raised.

I am out of time but I will answer the final point briefly, which was about the vaccine manufacturers scaling up production. If they do scale up and if further options become available, we will look into buying or opting in to them. What I can say now is that we have advance purchase agreements in place for almost 16 million doses across the various vaccines.

Deputy Chris Andrews: There is growing concern from community sector pharmacists on the timeframe for them to receive the vaccine. In recent months they have seen more and more patients referred to community pharmacies for what would have been standard procedures in any general practitioner practice, including blood pressure and supervised methadone checks. Their face-to-face contact with patients has dramatically increased to allow for the reduction in face-to-face contact for patients with local GPs. They have shouldered their fair share in this pandemic. In keeping the pressure off local GPs as much as possible, the risk to them has dramatically increased but the protections have not. If a pharmacist in the HSE becomes pregnant, she is given the maximum protection possible. She works remotely from home for the full duration of the pregnancy. However, if a pharmacist in a community pharmacy becomes pregnant, she shows up to work every day as normal right up to the weeks before she gives birth, despite the significant increase in risk for her and her unborn child.

Pharmacists will be needed for an effective mass roll-out of these vaccines. This will have to involve not only those working for the HSE but the thousands throughout the State working in local community pharmacies. When will community pharmacists be vaccinated? I have one more question that I will come back to.

Deputy Stephen Donnelly: I will ask that the Deputy is sent a link to the relevant paper. It was issued on 5 February to answer exactly these kinds of reasonable questions. This circular gives a description of who is included in cohort 2, that is, front-line healthcare workers. Group 2(g) covers all other healthcare workers without direct patient care but who are working in a healthcare facility with the potential to meet patients who are not captured in any of the earlier categories. Examples include laboratory staff, pharmacists, catering etc. I will ask is that the Deputy is sent exactly this circular. The second part of the answer relates to front-line healthcare workers. We started the vaccination of the second group on Monday this week with the AstraZeneca vaccine.

Deputy Chris Andrews: Many Deputies have already raised the question of kidney transplant patients. Kidney patients have a high mortality rate. They have major concerns. What hope can the Minister give to them? Will the Minister consider adding them to group 1?

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Deputy Stephen Donnelly: I have asked the Department to do a detailed review of cohort 7, which includes those with underlying health conditions. The current size of that cohort is especially large because it is an estimate of everyone in the country with an underlying condition. The view expressed consistently in the House - it is one I share - is that there is a smaller group within that cohort who are particularly vulnerable to Covid-19 and who might get ill or die if they were to contract Covid-19. The national immunisation advisory committee is doing a detailed review of that full list to see what a subgroup might be to ensure they are prioritised.

An Ceann Comhairle: Our next contributor is Deputy Verona Murphy with the view from the lovely south east.

Deputy Verona Murphy: I was to share with my colleague, Deputy Lowry, but I do not know whether he is here. I will keep going and we will see.

I wish to raise an issue relevant to several of my constituents. Many Deputies in the House have similar constituency issues. I heard the Minister relay that cohort 7 would be revised. I am somewhat concerned about who is actually putting the list together. The reason is that I have a great many constituents with serious underlying conditions making representations to me and asking me to represent their views to the Minister. I have been unable to secure any form of clarification.

I will tell the Minister about Enda. Enda is 16 years old but is severely autistic. He has three siblings. They all live in the same house with his mother and father. They have not had one night's sleep in this year. Enda normally remains awake for the whole of the night-time period. He has had his whole world turned upside down because he does not see his carer and does not go to his facility. They have no respite. Effectively, a whole family and the boy's carer are being discommoded. They have absolutely no clarity on whether, as a 16-year-old, Enda will be vaccinated given that it has been said that there will not be vaccinations for those under 18 years. The fact that he has a severe intellectual autistic condition means that he needs the interaction of his carer and special needs assistants. Where will that leave this family?

In another example, Walter is 40 years old and lives on his own. He has had two kidney transplants. Walter drives himself for dialysis three days per week. He does not see his parents or brother. He cannot go to the shop, especially since the RTÉ programme the other night broadcast interviews with Covid-19 sufferers who told us that they could only point to the fact that they picked it up in the shop. Walter's life is severely limited. He needs clarity. At 40 years of age his whole life has been surrounded by limitations, but this is a particularly terrible time in that he cannot even see his family.

I have also heard from the mental health services in Wexford. The Westlands unit is a residential unit that takes care of five adults. The people there have no clue. I asked as late as last night if they had been notified. I received an email this morning. There has been no notification for the front-line health workers in Westlands in respect of whether or when they will be vaccinated.

Leah is 26 years old and has Down's syndrome. Sometimes she suffers with different things that may put her in hospital but ultimately she is at home with her family, who are her primary carers. None of the family members are eligible for a vaccine based on the roll-out or the age profile. I am asking about Leah. Can we have some clarity?

Above all, I am asking about family carers. I heard Jane Johnston this morning. Her son has

returned every second week on a rota basis to his services. It is of the utmost relief. Jane was in tears this morning. She was worried about how he would get along and because she has no way of knowing when he or those around him will be vaccinated. I appeal for these people, who are suffering psychologically. When they will have some form of relative normality? It is normally a difficult situation for these families in any case. I call for some clarity on the roll-out.

I am unsure whether my colleague, Deputy Lowry, has arrived. The Minister can answer. I do not think the Deputy is here.

Deputy Mary Butler: I will answer the question on mental health. All residents aged 65 years and older within registered nursing homes, disability residential care facilities and mental health residential care facilities have been offered vaccination. Some mental health staff came under cohort 2 but the AstraZeneca roll-out now includes all mental health staff. Everyone is encouraged to apply on the portal.

Deputy Stephen Donnelly: My thanks to the Deputy for her question. There is nothing I would like more - there is nothing any of us would like more - than to have all of the supply here now, because then we could vaccinate all the people the Deputy is talking about at the same time. That is what we would like to be able to do. However, because of the limited supplies, at least in the initial months, we need prioritisation. The prioritisation came from the national immunisation committee and was agreed by the National Public Health Emergency Team, NPHE. As I said earlier, there is a review going on by NIAC at the moment with regard to those with underlying conditions. The number of people in the country with underlying conditions is very large and some of them are highly vulnerable to Covid-19. I have asked for a review to specifically identify that group of people because the principle of the vaccination programme is that it is safe, fair and effective. In other words, we must vaccinate the most vulnerable first. We are therefore doing a review of that. Family carers have been asked about specifically many times and that is very reasonable. The Deputy and I, as well as everyone in this House, recognise the invaluable work family carers do. The Deputy has given several examples of families where the work done is just above and beyond and it is done every day. All I want is to be able to give them a date. I would love to be able to tell them to go down to their GP on Monday alongside the people aged 85 years and over. However, there must be a sequence. Those who are being cared for, who would be most vulnerable were they to get this awful virus, must be vaccinated first and then we will move on as quickly as possible to those caring for them.

Deputy Paul McAuliffe: I will take four minutes and leave some time at the end for the Minister's answer. Although I have raised many of these issues with him privately, I will do so here, on record. I put up a post today welcoming the Helix centre in DCU being used as one of the community vaccination hubs in my area. I was inundated by requests from people asking when they might be vaccinated. It is worth saying that in the context of a vaccination programme about which we thought there might be some hesitancy, we should be delighted that people are willing to take this vaccine and want to do so.

My second point is that we are not rolling out the vaccine programme - we are rationing the vaccines we currently have. Listening to many of the contributions made by Members backs this up. This is cruel and sad but it is the reality of where we are. In making the case for each group, the national immunisation advisory committee has done a good job in outlining that many of the criteria are based on protecting the people who will suffer most by suffering illness rather than those who are in most contact with it. That is a difficult thing for people to understand sometimes but we know the vaccine is most effective at stopping people from dying. I did

an interesting analysis among my own family group, from whom I was getting questions in our WhatsApp group. I applied the NIAC criteria to the 20 people in that WhatsApp group and by and large everybody was very happy with giving priority to those who were older in the group, those who had most contact in a healthcare scenario and so on. I ask people to do the same, to look at the priority list and ask themselves if they believe that it is a fair allocation of a very restricted supply. That is what the NIAC has done and that is what the Government is doing.

There are two categories where we will get more questions as supply increases. I welcome the Minister's announcement today on those people in that broad group of people with underlying conditions who perhaps would have a very severe impact with Covid. I am thinking in particular of people with rare diseases impacting their lungs and in particular of those with cystic fibrosis. I would think a case could be made for them. I am not a medic but I would appreciate it were the Minister, in his contact with the NIAC, to ask those questions and get those answers for us.

That broader group of key workers also needs to be defined. People are, on balance, very fair. They appreciate there are people ahead of them who might need this vaccine more but they want to know the basis on which those decisions are being made and the people who are making them. I have had the experience of having worked with people on the NIAC in the past in a different light and they have done a good job here. However, perhaps we need some more lay voices communicating NIAC's decision and explaining some of the decisions the medics have made. I thank the Minister for his work in this area. On the roll-out and specifically the logistics, there is no spare vaccine sitting in a warehouse not being injected in Ireland and that is something of which we should be appreciative. I am not referring to the Minister's work, although that has been done, but we should be appreciative of all the people who are injecting those vaccines, to the healthcare workers who are involved in that and all the HSE staff.

An Leas-Cheann Comhairle: The Minister has been left 20 seconds. I can move to the next speaker if he likes.

Deputy Stephen Donnelly: I am not sure there was a question but if there was I am more than happy to pick it up. It was more of a statement, if that is fair.

Deputy Paul McAuliffe: It is.

Deputy Fergus O'Dowd: The Minister says the system of distribution for vaccines must be seen to be fair, safe and effective. What is he doing about the fact, as published by *The Irish Times*, that 800 people have been vaccinated outside of priority groups 1 and 2? Can he account for that fact? They are the most vulnerable and the sickest or potentially those who are most likely to suffer serious illness. How can 800 other people be vaccinated outside that cohort? What audit is the Department or the HSE carrying out to ensure there is fair and equitable distribution and that family members or other people who are not in categories 1 or 2 are excluded? It is hugely important, particularly in view of the cases being made here today about people with serious kidney disease and other very serious and chronic illnesses.

I note "The Michael Reade Show" on LFMFM has identified that at least two workers in a nursing home who tested positive for Covid were placed in a private hotel for accommodation without the HSE or indeed anybody in the hotel being advised that they were sick. That is a very serious issue. Is the Minister aware of this and can he or will he carry out an investigation into it?

Deputy Colm Burke: Several Members have raised the issue of people who are receiving dialysis or cancer treatment. In particular, people under 18 years of age who are on dialysis are down in vaccination category 15. While the Minister has outlined that he expects to revert within the next week, can we have an answer on this point because it has been raised consistently for the past four to five weeks? Will the Minister give us a straight answer in order that people will know what is planned over the next few weeks and months?

The second issue is having a clear plan set out for the next six weeks. Can the amount of vaccines coming into the country every week be set out publically, in particular those for the next six weeks? We would then have a clear view of what is coming in.

Finally, on the Johnson & Johnson vaccine, although I acknowledge it has not been approved by the European Medicines Agency yet, I understand that more than 400,000 doses of that vaccine will be available in mid-April if approval is granted by the end of February. As this is a single-dose vaccine, we can get through a far greater number of people in a faster time. Can we increase that level of vaccine and can we have it delivered early, once it is approved by the European Medicines Agency?

Deputy Stephen Donnelly: In response to Deputy O'Dowd, I will have to take a look at the report he referenced about the 800 people. It does not sound like something that should have happened but without being able to look at the specifics, it is very hard for me to comment. Certainly, the isolated instances we have discussed in the House previously in respect of family members were not acceptable and under no circumstances should that have happened. I am happy to look into the referenced report.

Similarly, the issue regarding the hotel in the Deputy's constituency has been raised. I thank him for raising it. It is something we are currently looking into with the HSE.

Deputy Michael Collins: I have two and a half minutes. At the end I will have a few questions to which the Minister might reply in writing. The HSE has confirmed that Ireland will slow down its vaccine roll-out this week. The revised plan means only 29,000 vaccinations will be given out this week.

3 o'clock

That is a staggering 17,000 fewer than planned. The number under the original plan was 46,000. Surely a better plan should be put in place. It is obvious to the dog on the street that the Government does not have any type of grasp on the roll-out.

Much has been said in recent days about the vaccine roll-out to the over 70s. This cohort of 480,000 people will now receive the Pfizer or Moderna vaccines. The Oxford-AstraZeneca vaccine will not be given to those aged over 70 in Ireland in spite of the EU drugs regulator approving the AstraZeneca vaccine for all age groups. It seems that the elderly in this country are getting the worst deal in the context of Covid-19. They were left to die in nursing homes when Covid originally hit. When a social welfare payment was given out, the elderly were not included. Now there has been another mix-up in terms of what vaccines they can be given. The Minister stated that the roll-out of the vaccine would not be politicised and that it would be more a decision made for others. He was correct. However, two weeks ago I was privately told in west Cork that the vaccine centres would be rolled out in Clonakilty and Bantry. I was told not to pass on that information, which is fair enough. I respect the person who said that to me. My office then phoned the Minister's office last Monday and asked his secretary for the

locations of the vaccination centres in south-west Cork. People are asking where they will be located and that is why I wanted an answer from the Minister. We were not given an answer. We received a bland email with no details. Surely, if every person on the street knows where the centres will be located, Deputies should have been given the same information as everybody else. The secrecy attached to the locations makes the Government look highly suspect and lacking in leadership.

I have been made aware that some people in west Cork have been given the vaccine but should not have received it. At the same time, there are doctors, nurses and home helps in west Cork who have not been offered the vaccine. It is high time the Government woke up and dealt with this issue. On Tuesday, the Irish Nurses and Midwives Organisation, INMO, informed the Oireachtas Joint Committee on Health that the Irish vaccine roll-out started in a haphazard manner and was not focused on the locations or workplaces with the highest rate of infections. In other words, the Irish vaccine strategy was deeply flawed from the outset. If the Minister cannot answer my questions today, I would appreciate if he were to answer them at a later date.

On the issue of home helps, for three weeks I have been asking the Minister when home helps in west Cork will be vaccinated. It is a black and white question. Why are pharmacists not being allowed to roll out the vaccines? I would appreciate if the Minister were to come back to me on those issues.

Deputy Mattie McGrath: Several months ago, I asked the Minister about the roll-out of the flu vaccine. I put it to him that 2 million doses had been supplied but the Government could only account for 1.4 million of them. I ask him to provide me with an answer in writing, stating whether that was right or wrong. I asked how we were going to be prepared to roll out the Covid vaccine, given the number of vaccines involved, when the HSE and the Department are totally unfit and not accountable to anybody, not even the Minister. When will carers, home helps and gardaí get the vaccines? They are front-line workers. They could not be more on the front line. I do not have a big issue if five or six leftover vaccines are administered to people. Surely it is better than wasting them. The vaccines should not be wasted.

Valerie is a middle-aged woman who had a serious accident when she was a young girl and got an award. An exceptional care team was put in place by her father and mother. Her care and support team comes into the house to care for her. The family lives in Carrick-on-Suir, quite close to where the Minister of State, Deputy Butler, lives. Valerie's carers are waiting to be given the vaccine but they are given a lower priority because they have been employed privately by her father on her behalf. They are frightened and worried. They have been watching RTÉ, the bad news channel. The RTÉ reporter who is a former Deputy found his vocation at long last and frightened the life out of everyone. He was here with us in the Parliament for a while. A fear factor is being instilled, while the roll-out is not fit for purpose. Those carers who are employed privately need the vaccine as much as anyone. Will they be given any idea when they will get it?

The Minister stated that there is a list, but that list is going backwards because of the lack of supply. In the United Kingdom, 12.8 million vaccines have been administered, but only 230,766 have been administered in Ireland. Maybe we should have left the EU as well and we would have got the vaccines. The EU is not looking after us. It never did. The Government is unable to get the vaccines. The Minister was asked by Deputy MacSharry to contact the CEO of the companies involved to see whether Ireland could get the vaccines by itself.

The roll-out is frighteningly slow and it is a damn fine mess. When the Government could not look after the roll-out of 2 million doses of the flu vaccine, I asked how they were going to roll out the Covid vaccine. The HSE is not fit for purpose. It has not been fit for purpose for decades. Its management was appointed by the Minister's great leader, the Taoiseach, who set up the HSE. It is not fit for purpose, full stop.

Deputy Mary Butler: Deputy Michael Collins stated that those in nursing homes were left to die. I think that is a very unfair comment. It is scaremongering. To date, 1,734 people have died in nursing homes, but the nurses, staff and carers have worked their fingers to the bone to try to ensure that these people were not left to die. It is unfair of the Deputy to say that.

Deputy Michael Collins: I would like the Minister of State to come down to some of the hospitals and nursing homes where the standards that she and her Government colleagues apply have not been applied and the Government has not-----

An Leas-Cheann Comhairle: Deputy, please.

(Interruptions).

An Leas-Cheann Comhairle: I am going to move on.

(Interruptions).

An Leas-Cheann Comhairle: Deputy, thank you. I ask for your co-operation. This is one of the reasons why I stick to the time. I let the Minister of State in but there is a time limit and I do my best to stick to it. I will go back to sticking to the time.

Deputy Marian Harkin: I first record my thanks to all those who have been involved in the very effective roll-out of the Covid vaccine up to now. I suspect that vaccine centres are happy places in which to work at the moment.

The Minister of State, Deputy Butler, told the House that those most vulnerable to Covid-19 would be the first to be protected, along with healthcare staff. In that context, I make a strong case, as have other Deputies, for kidney patients. Many such patients in my constituency have contacted me. We now know that their mortality rates from Covid-19 are similar to those for over-70s in residential care. Patients who are receiving or awaiting dialysis treatment are especially vulnerable. They have to attend hospital three times a week for three hours per visit. As the Minister is aware, they cannot cocoon and, as such, are at a higher risk of infection. Those who have had kidney transplants are in the same vulnerable position. I believe their position in the vaccination categories must be reconsidered as a matter of urgency.

The position of those with cystic fibrosis and those whose life-saving treatments or surgeries have been delayed because they have not been vaccinated also needs to be reconsidered.

I am not asking the Minister to play God. To do so would be unfair to him and to everybody else. However, I am asking that the groups I have mentioned would be central in the consideration of the national immunisation advisory committee to which the Minister referred.

I refer to front-line workers in congregated settings or residential homes for adults with dis-

abilities. I am asking that these workers be made part of category 2 simply because they are part of category 2.

Deputy Michael McNamara: Nothing has changed since the last time I spoke to the Minister. Effectively, he is still trying to perform a loaves and fishes operation and make the small number of vaccines he has received stretch as far as possible. I think most people understand that. On the last occasion, the one question I asked was about people who have had Covid-19. There are studies from Public Health England and research institutes in the United States and elsewhere that indicate such people have at least a degree of immunity for an undefined period. Are those who have had Covid-19 still receiving the vaccine according to their place on the priority list or is it deemed that because they have a degree of immunity, they do not need to be afforded the same degree of priority?

I endorse what has been said regarding people with underlying conditions in category 7. I do not envy the Minister or NIAC. I acknowledge it will be NIAC that will have to prioritise among various cohorts. Once that prioritisation is done, will that include minors or just people in that age cohort?

If the Minister or the Minister of State could clarify those points, I would appreciate it.

Deputy Mary Butler: I refer to the comments of Deputy Harkin regarding those with disabilities and front-line workers. The Minister of State, Deputy Rabbitte, confirmed this week that disability service staff are included in vaccination plans for front-line healthcare workers in the coming weeks. I know this was a significant concern for front-line disability service workers and it has been welcomed.

Deputy Stephen Donnelly: The Deputy asked if we are vaccinating those who have had Covid-19 in order and the answer is, "Yes". As he and I have talked about previously, there is interesting evidence and data from the UK, which the Deputy referenced. I have requested that the National Public Health Emergency Team, NPHE, comes back to me with a view on that but the current position is regardless of whether or not one has had Covid-19, one will be vaccinated.

Both Deputies asked understandable questions about those with underlying conditions. As the Deputies acknowledged, there will not be political involvement in who may be deemed to be in the particularly high risk group. The national immunisation advisory committee, NIAC, will give a view on that, as will NPHE and the Chief Medical Officer. The Department of Health will then come to me with a view. My role was to pose the question and to say I would like this looked at because it has, rightly, been raised by many Deputies over many weeks. It is a detailed and sensitive piece of work, as the Deputies have acknowledged. I hope to be able to discuss it in detail next week with colleagues in the House. However, we obviously need to leave space for the various groups to come to conclusions.

Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021: Motion

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I move:

That Dáil Éireann approves the following Regulations in draft:

Dumping at Sea Act 1996 (Section 5(12)) (Commencement) Order 2021,

a copy of which has been laid in draft form before Dáil Éireann on 3rd February, 2021.

I will share time with the Minister of State, Deputy Noonan. I thank the House for agreeing to debate this motion. The purpose of the motion is to approve the draft text of the order to commence the Dumping at Sea Act 1996 in relation to the decommissioning of offshore oil and gas facilities. As the Minister responsible for marine environmental policy, this falls within my remit. However, the Act requires that this function be commenced by Government order and that the text of the order be first approved in draft motion of both Houses of the Oireachtas. The Government has approved the making of the order in principle and I now seek the approval of the Dáil and Seanad for its text. I express my gratitude to our colleagues in the Upper House who approved the text of the order by motion last Monday, 8 February.

The Department of the Environment, Climate and Communications wrote to my Department last year, seeking the commencement of section 5(12) of the Dumping at Sea Act 1996, as amended, in order to facilitate the decommissioning of the Kinsale Head and Seven Heads gas fields. Section 5 of the Act sets out the dumping at sea permitting functions for which the Environmental Protection Agency, EPA, is responsible. However, section 5(12) states that:

This section shall not come into operation as respects offshore installations until such day as the Government may by order appoint.

Section 5(13) of the Act states that the text of the order requires the approval of the Houses of the Oireachtas. It is necessary now to commence this function, which will allow for different options to be considered for elements of the decommissioning process of the Kinsale and Seven Heads gas fields. If we do not commence this function, the Attorney General's advice is that it will be necessary to remove every element of the Kinsale and Seven Heads gas installation, including pipelines and cables, regardless of what is the best environmental option and what options might be available.

The Dumping at Sea Act 1996 has been in operation for nearly 25 years in all respects save as it applies to the decommissioning of offshore installations. It was amended by the Foreshore and Dumping at Sea (Amendment) Act 2009 which gave the EPA full and independent implementation and enforcement powers under the Act. This Act also gives effect to the Convention for the Protection of the Marine Environment of the North-East Atlantic, the OSPAR Convention, of 1992 for the protection of the marine environment of the north-east Atlantic. The Minister of State, Deputy Noonan, will provide further detail on the OSPAR Convention and its importance to the environmental protection of our seas. It prohibits the deliberate dumping of any substance or material in Irish marine waters from any vessel or aircraft, or by deliberate incineration within the maritime area. Section 4 of the Act specifically prohibits the deliberate disposal of an offshore installation in the maritime area or any substance or material from such an installation. In certain cases, the EPA may grant a permit to applicants to dump materials at sea if it is satisfied that it is safe and appropriate to do so. However, this is not the case in relation to the disposal of offshore installations, as this function has not been commenced. If this function was commenced, it would allow the operator of Kinsale and Seven Heads the possibility of seeking a permit to leave elements of the offshore installations in place. They would have to demonstrate that this was environmentally appropriate or preferable to do so. It would then be a matter for the agency to determine whether or not to grant a permit considering the potential environmental benefits and impacts.

11 February 2021

The Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, advises me that the decommissioning process of the Kinsale and Seven Heads gas fields is being undertaken in three phases. The first phase requires the plugging of the wells and the removal of the top structures from the offshore platforms. The second phase requires the removal of the platform legs. The third phase relates to the decommissioning of the pipelines along with associated hoses and control cables, these being referred to as “umbilicals”. The Minister further informed me that for the first two phases, the appropriate environmental assessments have been made and legal consents granted. The wells will be plugged and platforms and legs will be removed from the sea in their entirety. However, the Minister’s Department has advised that the possibility of leaving the pipelines and their associated umbilicals has been raised by the operator and may be preferable from an environmental perspective. Were such an option to be considered, I am advised that this process would require three legal consents, two of which would have to be made by the Minister for the Environment, Climate and Communications. I understand that the Minister of State, Deputy Noonan, has been provided with more detail of these consenting processes by the Minister’s officials and he will shortly outline them to this House. However, a dumping at sea permit would also be required from the EPA. As it stands, the agency could not consider such a permit application, as the necessary powers under the Dumping at Sea Act are not commenced.

The purpose of this motion is not to decide whether these pipelines and umbilicals should be left in place. It is merely to provide a legal basis for the possibility to be considered. Without this order being signed into law, the pipelines and umbilicals would have to be removed, even if that is deemed undesirable from an environmental perspective.

Deputies may have noted that no date has been set in the order for the commencement of this function. The office of the Parliamentary Counsel advised that it was not possible to include a date in the order as any unforeseen delay in obtaining the necessary approvals or in making the order afterwards could require the date in the order to be changed. This, in turn, would require resubmission for approval by the Houses as a change of date would be considered a substantial change in a commencement order. However, I can advise the House that the intention would be to commence the legislation at the earliest possible opportunity should approval of the text be granted.

I will conclude by asking the Dáil to approve this motion. Without the order being made, the operator will have no choice but to pull up the pipelines and umbilicals. This could potentially be a worse option. By making the order, the House would be allowing for other options to be considered and to see if they are more environmentally beneficial. It will also allow the best environmental options to be considered when it comes to the Corrib gas field’s turn to be decommissioned.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): I also thank the House for agreeing to debate this motion. As just stated by the Minister, Deputy O’Brien, the purpose of the motion is to approve the draft text of an order to commence the Dumping at Sea Act 1996 that relates to the decommissioning of oil and gas facilities. As, unfortunately, the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, cannot attend today due to prior commitments, I will address his Department’s rationale for seeking this commencement at this time on his behalf and the related environmental considerations. The Kinsale area gas fields, incorporating the Kinsale Head, Southwest Kinsale, Ballycotton and Seven Heads gas fields, which are approximately 50 km off the Cork coast, ceased production on 5 July 2020 after 42 years of operations and are the

first offshore gas production facilities in the State to be decommissioned. The Corrib gas field will also undergo a decommissioning programme once production from the field has ceased. Production from Corrib is now in decline and is projected to stop around 2030.

As mentioned by the Minister, Deputy Darragh O'Brien, a phased approach has been agreed, with applications relating to consents for the decommissioning works split into three, each subject to robust regulatory and environmental assessment. To date, two applications have been made to the Department of the Environment, Climate and Communications and, following independent environmental assessment under relevant EU directives as well as technical assessments, the following consents have been granted subject to a number of conditions. Consent No.1 relates to the plugging and abandoning of all wells in the Kinsale area gas fields and the removal of the two platform topside structures located in the Kinsale Head gas field. Consent No. 2 relates to the removal of the legs of those two platforms. A third and final application is expected in the coming months in respect of decommissioning the pipelines and the cables and hoses referred to as umbilicals. The operator has advised the Department of the Environment, Climate and Communications that it will be seeking consent to decommission the existing pipelines and umbilicals *in situ*. This is based on the outcome of a comparative assessment it undertook which concluded that the leave *in situ* option represented the lowest level of seabed interaction and disturbance. Notwithstanding the operator's view on the optimal approach to leaving the pipelines *in situ*, the application will be subject to extensive assessment from a number of regulatory and environmental perspectives.

For consent application No. 3, the operator will also require the following statutory consents: approval by the Minister for the Environment, Climate and Communications of an addendum to the gas fields' plan of development, pursuant to the petroleum leases granted under section 13 of the Petroleum and Other Minerals Development Act 1960. Any works to alter or remove objects on the seabed will require the consent of the Minister for the Environment, Climate and Communications under section 5 of the Continental Shelf Act, following consultation with the Minister for Transport in respect of safety of navigation.

A party wishing to abandon petroleum infrastructure requires the approval of the Minister for the Environment, Climate and Communications under section 17(4)(a) of the Energy (Miscellaneous Provisions) Act 1995, with the consent of the Minister for Agriculture, Food and the Marine. As previously stated by the Minister, without the commencement of section 5(12) of the Dumping at Sea Act 1996, as amended, there is no alternative but to remove the pipelines and umbilicals. Subject to commencement, the Environmental Protection Agency will be the competent authority responsible for making an assessment based on the submission made by the operator. The EPA will decide if consent to leave the pipelines and cables *in situ* is granted or not.

I understand that issues were raised regarding the resources available to the EPA to carry out these functions when Deputies were being briefed on the motion. At the end of 2019 the EPA had increased its staff levels to 420. Recognising the July 2020 programme for Government targets, in 2021 the EPA's allocation also includes provision of €1.185 million for the recruitment of an additional staff complement of 28, subject to approval by the Department of Public Expenditure and Reform. The Department of the Environment, Climate and Communications is engaging with the EPA on its overall resourcing requirements in line with the budgetary allocation.

As the Minister stated, the Dumping at Sea Act gives effect to the OSPAR Convention of

1992 for the protection of the marine environment of the north-east Atlantic. The contracting parties to OSPAR include all EU states bordering the Atlantic, including the North Sea, or which have river basins that empty into the north-east Atlantic area. The EU itself is a separate signatory. Non-EU contracting parties are the United Kingdom, Norway, Iceland and Switzerland. Ireland currently holds the chair of the OSPAR Commission, and the Department of Housing, Local Government and Heritage is the competent authority for ensuring Ireland's compliance with the convention.

As well as requiring that contracting parties prevent dumping at sea, OSPAR requires monitoring and sets requirements across a range of other areas. These include harmful polluting substances, radioactive substances, protecting species at risk and biodiversity, monitoring and addressing dumped munitions and mitigating the harmful effects of human activities such as noise and marine litter. OSPAR also has a committee dedicated to ensuring that the offshore oil and gas industry operates to a set of environmental standards using the best available technology and best environmental practices. Among other things, OSPAR has set standards for the decommissioning of offshore oil and gas installations.

I conclude by reiterating that this commencement order would allow us the scope to consider what the best environmental option might be in relation to the decommissioning of the Kinsale and Seven Heads pipelines and associated elements. With this in view, I ask the House to approve this motion.

Deputy Pádraig Mac Lochlainn: I welcome the opportunity to address this motion. I offer Sinn Féin's support for the measure, but with conditionality. The powers that will be afforded to the Ministers following the agreement of the motion are complementary to the marine planning and development Bill on which the Department is currently working, which will have far-reaching consequences and leave a long-term impact on coastal communities and the fishing industry. I accept there needs to be strict oversight and scrutiny of any application to dump materials at sea by the Ministers and their successors. Dumping at sea should only take place as a last resort and where no other alternative is available. Under no circumstances should any toxic materials ever be dumped at sea to cause harm to the marine environment. Marine planning is essential to ensure a viable and sustainable future for all on the island who use and, in some cases, depend on the marine environment for their livelihood.

I wish to raise an area of real concern with the marine planning and development Bill. The functions of the Department of Agriculture, Food and the Marine are excluded from the scope of the Bill. It appears that aquaculture licensing is not included in the Bill, which is a major problem. For years, the potential of the aquaculture industry to create thousands of jobs in remote coastal communities, including in my constituency of Donegal, has been blocked and stymied by shocking levels of bureaucracy and under-resourcing of the application and appeals process. Some aquaculture licence applications have dragged on for more than ten years. The company, Mowi Ireland, previously Marine Harvest, is a world leader in aquaculture. It is based in the Fanad Peninsula in north Donegal. It has been held back for years from creating many more jobs and wealth in Donegal and on the west coast. Norway, Scotland and even the Faroe Islands produce multiples of the annual production in Ireland. This shocking failure has cost us thousands of jobs and hundreds of millions in lost revenue. The report of the 2017 independent review of the aquaculture licensing process was supposed to change all of that, but the recommendations have not yet been fully implemented. That must be urgently addressed. One of the key areas of change is the separation of the aquaculture licensing function from the monitoring and enforcement of aquaculture licences. I appeal to the Minister to take aquacul-

ture licensing under the scope of the Bill and away from the failed model under the Department of Agriculture, Food and the Marine.

One other very important issue that will affect the future of fishers and coastal communities is marine protected areas. I took on the role of Sinn Féin spokesperson on fisheries and the marine last summer. Since then, I have engaged extensively with fishers and their representatives. Irish fishers are extremely concerned and angry with the Government and the Department of Agriculture, Food and the Marine. For a long time, they have seen themselves as a forgotten industry. They have been sacrificed at every turn in EU negotiations to get a better deal for other sectors. Not alone have they faced Covid-19, but they also face Brexit. Without doubt, fisheries has been the industry most damaged and the one that has faced most disruption since the Brexit trade deal at the turn of the year. There have been reductions in quotas, displacement of vessels, difficulties landing in ports, significant reductions in prices of some species and the collapse of export prices. I raise these issues because the next significant issue coming down the tracks is marine protected areas. These are the responsibility of the Minister and his Department. In every meeting that I have held with fishery representatives, marine protected areas, MPAs, are raised. Our fishers are the custodians of the sea. They need sustainable stock to preserve their traditions and livelihoods. I stress that they are not against marine protected areas. They want to be included. They need to be engaged with and they must be part of the decision-making process.

I have read the Department's report, *Expanding Ireland's Marine Protected Area Network*. While it is welcome, the report is entirely academic and science-based. There is no engagement with fishers and this is unacceptable. Ireland does not currently have legislation governing MPAs. This is an opportunity to allow engagement to take place. There need to be widespread consultations with the fishing sector to agree the best approach for marine protected areas in Ireland. There have been positive experiences with fishers in Galicia and the Canary Islands when introducing MPAs. I ask that we ensure the same happens in Ireland.

Sinn Féin wants a robust and transparent marine planning system that supports our coastal communities, protects the marine environment and facilitates timely development of offshore energy sources. All three of these objectives can be achieved with the right level of planning and the right policy framework. It is the Minister's job to get all of these right. We have real concerns that the draft general scheme of the marine planning and development Bill is weak on ensuring full consultation with all representative and stakeholder bodies in coastal and other communities.

We need to ensure the protection of the marine environment and a community dividend for communities where offshore wind projects are planned and will eventually be located. We must ensure maximum access and passage are preserved for our fishing fleet, especially our smaller inshore fleet, and that fishers' livelihoods are protected. We must study and request further studies of international best practice regarding where offshore wind farms are currently located and that a maximum distance from shore is ensured where possible.

We can get this right. Ireland can be a benchmark for other countries. Planning, which is included in the Title of the Bill, is paramount. Protecting our marine area and ensuring a sustainable environment for our coastal communities and the country generally are paramount. We believe that sustainable economic fisheries, aquaculture, marine protected areas and offshore wind energy farms can all coexist but they can only coexist with meticulous and inclusive planning. Change can be good. It can create opportunities and it is needed to secure our future and

address our climate change requirements.

We in Sinn Féin will continue to engage with coastal communities, environmental NGOs, scientific experts and industry to advance our three objectives of protecting and sustaining our marine environment, supporting the sustainable development of our coastal communities and facilitating the delivery of renewable energy through offshore wind farms.

I reaffirm the absolute necessity of ensuring that the aquaculture licensing process comes under this legislation. How can we have marine planning if we do not include aquaculture licensing? People have a right to see the advertisement, to know the location and to be properly aware of it. They have a right to object and submit environmental considerations. That decision should be made in a timely fashion. One cannot develop an aquaculture industry if one does not know if one will have a licence and might be stuck for ten years. I reaffirm the point and I appreciate that the Minister responded in the positive.

It is important that we take this opportunity to introduce a marine planning framework to correct the mistakes that we made, allow people to have their say and protect that right, while, at the same time, allowing the industry to grow and achieve the substantial potential we have seen achieved in countries such as Scotland, Norway and even the Faroe Islands, which have multiples of what we have. I wish the Minister well in those endeavours and I am willing to work with him to achieve that goal.

Deputy Duncan Smith: I thank the Minister and Minister of State. The Labour Party supports this motion. When it appeared on the Order Paper last week, it raised some eyebrows. The language seemed almost hostile and environmentally damaging. I thank the officials from various Departments for the briefing they gave to spokespersons on Monday, which set out what this was about and what it would lead to. The previous speaker's points were well made and I am sure more will be made. The delicate ecology of our seas and its protection are important. One thing we have seen in the pandemic is an increased use of our coastline amenity.

The Minister and I share a constituency with a number of coastal communities. He will be aware of a number of constituents who live by the coast but had never set foot in the sea, yet have become avid sea swimmers and have taken an interest in the delicate environment around our coast like never before. That is a positive change. This is a somewhat technical matter and we are waiting to see what the EPA applications will ultimately look like. How we decommission the behemoths at sea will be a test for our nation. I think we will get this right. We are all invested in ensuring this delicate ecology and environment is protected.

I do not think there is any need to speak further on this motion. I look forward to seeing what emerges from it. Hopefully, we will pass those ecological and environmental tests as we progress.

Deputy Steven Matthews: We are discussing the decommissioning and removal of the Kinsale alpha platform. It is a relic of a time when we drilled holes in the ground to suck out gas and oil to burn. We took so much of these fossil fuels from the ground and burned them over so many decades that we have destroyed our environment and destabilised our climate. In the 1970s, when we sought our oil and gas fields, we did not know of the damage. It was a different era with far less consideration of our environment and limited knowledge of how emissions and carbon dioxide could overheat our planet. Cheap and abundant energy was our primary concern. We know much more today. We know that we can no longer continue to extract and

burn fossil fuels. We know that across this country and across all parties, there is a desire to address climate change. We know that in some parties, there is willingness to act and not just talk about it.

Last week saw one of the most significant announcements ever in the battle to reduce fossil fuel use and emissions. The Minister for the Environment, Climate and Communications, Deputy Eamon Ryan, and our partners in government agreed that no more new oil or gas exploration licences will be granted. This is a significant step. Previous Administrations admitted that Ireland's action on climate change was insufficient and that we were laggards in that regard. With the Green Party in government, there has been a ban on new licences, no liquefied natural gas or fracked gas imports and a commitment to reduce our emissions in line with science, which has put us on the world stage as leaders in climate change.

We will depend on the marine environment to provide our future energy needs as we wean ourselves off our fossil fuel dependency. We look to a decade of development of offshore renewable wind energy. Our aim is to achieve 5 GW in the Irish Sea and Celtic Sea in that time, followed closely by 30 GW of floating offshore development as that technology improves. This harnessing of our strong wind potential is to provide clean green energy and energy resilience, with many new jobs across the entire supply chain of offshore renewables over the coming decades. There will be surety of supply through interconnectors and we will no longer be reliant on being at the end of a pipe with a €6 billion fossil fuel import bill. Substantial community funds will be derived from these developments, which will benefit communities across the country. We can be leaders on renewable energy as well as on climate action. These developments can and will have environmental impacts. The construction, operation, maintenance and eventual decommissioning of wind turbines, cables and substations, just like the decommissioning at Kinsale about which we are talking today, needs careful monitoring. We need to ensure that we have the highest level of scientifically based environmental assessment of any proposed construction. The life expectancy of an offshore wind turbine is about 30 years. It is a very harsh environment and after approximately 25 or 30 years, they have to be repowered. Such repowering is required, as is maintenance on and upgrading of turbines, underwater cables and substations during the expected lifespan of the facility. All of this must be done in a manner which puts the preservation and protection of the marine environment to the fore. That has to be our number one priority. Energy resilience and coastal communities are considerations but protection of our marine environment has to be to the fore.

We depend on the marine environment for climate balance. That is not discussed very often but, as a planet, we really are dependent on a healthy ocean and a healthy marine environment to balance our climate needs. Leaving the cables and remnants of these developments behind in the sea when these installations and turbines reach the end of their lifespans should not become the norm. We should build that into the planning process and we should look at how it is to be monitored and managed in the future.

I am delighted to see that the Minister's Department has produced a plan to designate marine protected areas. I am particularly glad to see that this is being led by my colleague, the Minister of State, Deputy Noonan. We need to make sure that the designation of marine protected areas does not lag the consent process for offshore renewable development. These processes must work in tandem. We need to protect, but we also need to develop and those things should work in tandem. Just yesterday, the Oireachtas joint committee completed its pre-legislative scrutiny report of the marine planning and management development Bill, which will be produced next week. For the benefit of Deputy Mac Lochlainn and to address the questions he raised,

we recommend that aquaculture be considered either through this Bill or through other marine planning processes that will be developed under the national marine planning framework. Consideration of public consultation was also raised as an issue. I am glad to tell the House that we considered this matter at length in the committee. I thank members for the cross-party agreement that was reached in the committee for the placing of marine protection and public consultation to the forefront of the recommendations in the report, which is to come shortly.

This Bill is essentially the planning Act for the sea. With the marine protected area legislation, it will be the framework for marine protection and development for the future. If we get this right, and I do believe this Government will get it right as it has the commitment and support to do so, I foresee that any future Minister standing before the House in 50 or 60 years' time discussing the decommissioning of wind turbines will not be looking at the same issues we are looking at today in respect of the Kinsale gas field. I would hope that such a Minister will be able to acknowledge that a government with foresight, acting with knowledge on how to reverse climate chaos, stopped further drilling for gas and oil and gave us carbon neutrality. We have a commitment to do that and we will deliver on it. By then, the Kinsale gas field will truly be an ancient relic and a reminder of a time when we came close to destroying our planet.

Deputy Pearse Doherty: Táim buíoch as a bheith ábalta labhairt anseo. Tá an t-ádh orainn i nDún na nGall go bhfuil muid beannaithe le 1,100 km de chósta ar bhéal ár ndorais. Níl radharc níos deise ann ná radharc an Atlantaigh fhiáin. Is é an cheist atá ag an lucht is mó ná ceist faoin mhéid atá faoin uisce agus faoin dochar a bhaineann leis. Dúradh go bhfuil timpeall ar 240,000 tona d'airm cheimiceacha na Breataine i ndumpaí ar chúl Oileán Thoraí. Tá inní ar mhuintir na háite faoi seo. Cad é go díreach atá sa dumpa? Cé mhéad atá ann? Cén dainséar a bhaineann leis? Chímid an tionchar a bhí ag na ceimiceáin ar na míolta móra agus na deilfeanna a tháinig isteach ar thránna le blianta anuas. Caithfimid a fháil amach cén nasc atá ann idir na dumpaí seo agus sláinte na n-ainmhithe sin.

At the end of the Second World War, in Britain alone there was in excess of 1.2 million tonnes of surplus ammunition and bombs. The disposal method adopted by the British at the time was to dump it at sea. Unfortunately, we are aware of a number of these dumps off the coast of Donegal. In 2010, an OSPAR report stated that there were five separate dumps off the coast of Donegal, each with dangerous and potentially lethal substances such as mustard gas and phosphorous. The report states that the true extent of the dumps and the danger they pose is unknown. The reality is that this could be seriously dangerous for inhabitants of this area. The people of west Donegal have raised concerns about the nature of these chemicals and the risk to inhabitants, sea life and the environment.

A deep-sea diver recently gave an interview on Raidió na Gaeltachta. I myself spoke to a deep-sea diver who had been diving in the area on a different occasion. Both described how they found a large area of the seabed littered with large black drums with hazard signage on them in the waters off Tory Island. The diver said:

We were looking for shipwrecks, went down 40 to 45 metres and came across black drums with green stuff growing on them. There were a few thousand of them. They were heaped in a hill-like structure and had skull and crossbones on them.

The diver to whom I personally was speaking said that all he could see around him in every direction were these barrels on the seabed. To me, this account is deeply disturbing.

There is a wider debate to be had regarding these concerns in west Donegal and other similar concerns. In 1995, the then Minister, Hugh Coveney, told this House that a report would be published in respect of the issue by the year 2000 and that this would contain comprehensive analysis. We have raised this issue through the local authorities. Donegal County Council unanimously called for the Department to examine the matter. I have raised this with previous Ministers, including Deputy Kelly, but no action has been taken.

My question and the question some in west Donegal also have relates to their legitimate concerns about the dump behind Tory Island and other dumps off the coast of Donegal. Will the Department look at the stability of these chemical weapons which, in some cases, were dumped nearly 100 years ago? Are they still safe? What is in them? How large are they? Is it okay to leave them on our seabed?

Deputy Jennifer Whitmore: I thank the Ministers for giving us the opportunity to debate this matter today. The Social Democrats will be supporting this proposal. This is a long overdue measure being brought in to deal with the decommissioned Kinsale gas field. Kinsale is the start of the Wild Atlantic Way and is situated on a section of coast that is valued for its natural beauty and its role as a tourism amenity. In the process of decommissioning, it will be essential that the Environmental Protection Agency, EPA, is fully resourced with staff and is given sufficient time to ensure that all environmental protections are afforded to this very special area of our country. With my Cork South-West colleague, Deputy Cairns, I am eager to ensure the agency is properly resourced. I ask the Minister to make sure that is the case. There must also be engagement with local communities and any decisions must be made in a very transparent way in consultation with those same communities.

We are here today talking about the issue of cleaning up after works and operations which have been going on for decades and after decades of exploitation of our natural marine resources. It is important that we do so and that we do so in an environmentally friendly way. However, it is also important that we look at what has happened to date and learn from the mistakes at the past. We must look at our record and at how we are managing these systems now so that, as Deputy Matthews said, the Minister standing here in 20 or 30 years' time will be able to look back and say that we did the right thing.

Most people think of our atmosphere as being at the front line of climate change when it is really our marine waters that are at the coalface of our warming planet. The capacity of our waters to absorb carbon dioxide is dwindling and so too are our chances of recovering our most vast and important lifeline. Our seas and oceans are under tremendous pressure from the combined impacts of climate change, acidification, shipping, economic exploitation and fossil fuel exploration. Since Ireland was declared a dolphin sanctuary in 1991, cetacean strandings have increased, including an increase of 350% over the past ten years. The effects of offshore oil and gas exploration practices are increasingly being linked to these events, while marine biodiversity continues to come under great pressures. We saw recently the public outcry when Fungie disappeared and we realised how much we valued one particular individual animal. We should be protecting thousands of our whales and dolphins and ensuring that we enhance and recognise how fragile our relationship is with nature and how we need to ensure that we change course in how we deal with our marine resources.

Unfortunately, instead of changing course the Government is, in fact, working in two opposing directions. Despite the banning of fracking in Ireland there has been no movement by the Minister for the Environment, Climate and Communications to ban liquefied natural gases,

LNGs, and related infrastructure, with no ban in sight on the importation of fracked gas. Despite the ban on future oil and gas exploration, there have been no attempts by the Minister to dismantle a liberal licensing and tax regime which continues to support the fossil fuel industry and those with existing exploratory licences. The honouring of existing licences will enable companies to proceed with projects around areas like Barryroe, Corrib and other fields for many years. Furthermore, Ireland continues to hold a very sympathetic licensing regime of fast-tracked environmental assessments, lengthy licensing terms, and one of the lowest tax-take regimes in the world with Government subsidies amounting to the tune of €4 billion. We need a ban on licensing and to remove the current tax breaks and subsidies as well as resourcing and enforcing the EPA to carry out full environmental impact assessments until we completely sever our ties with the fossil fuel industry.

The conversation also needs to shift away from the idea that gas is a transition fuel, a sort of less-corrupted younger brother to its fossil fuel relative. We need to amputate the Government's special relationship with the oil and gas sector and to decommission not only failed exploration projects but also excessive lobbying by the industry which has embedded itself culturally at the centre of Government decision-making for many years. We need to end the narrative that gas and oil companies provide us with energy security as we transition to a low-carbon economy and end our support of free-trade mechanisms such as the investor court system that grants extrajudicial status to energy companies most likely to use this mechanism, which further erodes the State's ability to legislate for climate action and will essentially just tie the Government's hands.

We are still waiting for legislation on the designation and protection of marine protected areas, MPAs, and a revised management plan for carrying this out. Just think, Ireland has one of the largest marine areas in the EU by proportion of its size and despite this considerable marine territory Ireland has only 2.33% of its marine extent covered by MPAs, which is the second lowest coverage in the EU.

What we need to do is rather than focusing on some sort of green-washing process, we need to be realistic in what we are doing and to ensure that we are on course to preserve and protect our marine waters in pursuit of climate action and this needs to be a focus of Government. I thank the Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Gabhaim buíochas leis an Teachta. Glaoim anois ar an Teachta Carroll MacNeill, nach bhfuil i láthair. Glaoim, mar sin, ar an Teachta Clarke.

Deputy Sorca Clarke: I, like the vast majority of people, welcome any approach that would limit any potentially dangerous sea and water pollutants and protect the delicate ecologies that already exist there. On the existing structures that have reached the end of their lifespan, a target of complete removal is clearly preferable, but where that is not achievable the deconstruction process must undertake a clear objective of minimal environmental damage and pollution.

I am left wondering, however, why we take these stringent measures on our offshore waters while we still continue to take such a poor approach to our inland rivers and waterways. One would think that being from a midlands constituency, an environmental priority would be there for our rivers and inland ecosystems. Yet a clear legislative commitment to protect those waterways, their habitats and the local communities along these rivers is still yet to come. This is not to mention the fact also that most river pollutants lead to the sea in any event undermining some very good work that is being carried out there.

One egregious example of this level of neglect and pollution in my constituency of Longford-Westmeath is in Athlone along the River Shannon where there is a horrible history of contamination with sewage and other waste. This is due to having an inadequate infrastructure in place which cannot deal with the constant threat of flooding which the residents of the east and west banks of the Shannon have to endure. Such unacceptable contamination is not unique just to that town, however, and there is a track record of other rivers and lakes being polluted, in some cases beyond what is considered safe for humans to use.

I have argued before in the Dáil for a common agency to manage the River Shannon with a comprehensive flood defence plan to replace the existing combination of Government bodies such as the ESB, Waterways Ireland and numerous local authorities, each of which having responsibility for its own section of the river. Commonsense would dictate that what happens upstream will have a direct impact downstream. At the moment, where we see a high level of rainfall and rising water levels, water is drained into a sewerage system in order to prevent flooding. It is impossible, of course, to store an ever-increasing supply of water in a system that is archaic. That rainwater mixed with sewage is then released back into the Shannon. That is beyond acceptable. This is 2021 and nobody should have to look out their door and smell that on their doorstep. This flooding has been caused by a multitude of factors along the Shannon and it is very easy to place blame at many doors but one place that blame cannot be placed is on local residents who are paying the price for poor governance and decision-making which was outside of their control.

Finally, we see some good work in Athlone which is beginning to improve the system and end this practice because it is extremely damaging not only to the health and well-being of local residents and environment but also to the habitats and the businesses that operate in and around that region. It is unfortunately too little too late because some of the damage that has already been done may never be undone. Today, most of our rivers and lakes are in a sorry state. Only 53% of our rivers and estuaries are in a state of ecological health and our overall surface water quality continues to decline. In many cases the heart has been torn out of our rivers and it is undermining their basic ecological function, which is why we see a growing demand for a modernisation of the Arterial Drainage Act.

With the indulgence of the Leas-Cheann Comhairle I will make one final point. If this Government is serious about protecting all of our environment, that must include inland waterways, lakes and rivers.

An Leas-Cheann Comhairle: I thank the Deputy. I call Deputy Smith from the Solidarity-People Before Profit.

Deputy Bríd Smith: I am sharing with Deputy Murphy. Gabhaim buíochas leis an Leas-Cheann Comhairle.

I am increasingly smelling a rat in this discussion and it may be a green one. The reason I say that is because when one listens to what this motion is trying to do, it is telling us that it needs to decommission the infrastructure from the now-exhausted pipeline near the Old Head of Kinsale but at the same time wants to leave what it calls the “umbilicals”, that is, the pipelines in the ocean, to be considered for other options because it may be more environmentally damaging to remove them. I accept that. It may be more environmentally damaging to remove those umbilicals but the other option still remains. In the same week that we are passing this motion, the Government and specifically, the Minister, Deputy Ryan, has given the go-ahead to

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Providence Resources to proceed with the next level of surveying works at Barrymore, which is in the same area as the exhausted pipeline near the Old Head of Kinsale.

We have just heard a very eloquent speech from Deputy Matthews of the Green Party on how we will never again drill for oil and gas and how we have done a wonderful thing by banning it in the last week or so. Yes, we have, and it is wonderful that it is banned for the future but the Minister also has the power not to issue the sort of licences for Barrymore and not to provide any more extensions or renewals. It is clear in the legislation that he has the power to do that but he chooses to allow Barrymore to proceed to the next level of drilling for oil and gas in the same region as we are decommissioning Kinsale. That is why I smell a green rat. We cannot speak from both sides of our mouth by saying that we are banning the development and drilling for oil and gas in one piece of legislation and then allow it to proceed with another order at the stroke of a pen. What I do agree with the Green Party Ministers on is that the next generation and the current one, the Fridays For Future Ireland generation, will not put up with this nonsense. The best thing we can do with oil and gas is to keep it in the ground because the science tells us - just because the Green Party is in Government does not change the science - that 80% of known fossil fuels have to remain in the ground if we are to save the planet and people who inhabit it. Nothing changes. The Green Party seems to live on planet "B", which is a pretend planet on which it can do both. One cannot do both.

Deputy Paul Murphy: I thank the Leas-Cheann Comhairle. We need a commitment or guarantee from the Government on this issue that any parts of the decommissioned oil and gas rigs that are left behind are left as such solely because it is the most environmentally sound way of doing this and that no parts of them can be used in any circumstances as part of any new projects.

4 o'clock

On the broader point, I echo what Deputy Bríd Smith said. I listened to the contribution of Deputy Matthews. Last Tuesday, the Green Party announced on its Facebook page and across the media that it was banning oil and gas exploration. It seemed to be a good news story following years of campaigning by environmental activists, following Deputy Bríd Smith's Prohibition of Fossil Fuels (Keep it in the Ground) Bill. A couple of hours later, we had the announcement that Providence Resources had been given permission to push ahead with the next steps for the drilling of the Barryroe gas field. It seems that even the company's investors were surprised at their luck, with the share price jumping by 5%. This sums up the two-faced nature of the Green Party. It sent out press statements claiming to be tackling the big oil and gas companies at exactly the same time as the green light was given to those same companies' plans. The Green Party should be ashamed of itself. It is time to take on big oil and gas companies, stop their destructive plans and keep these resources in the ground.

I would also like to comment on the need for a fuller review of the Dumping at Sea Act 1996. We must protect our oceans much more, not just from dumping but from damaging trawling practices. Many big trawling companies still engage in so-called "bottom trawling", which is incredibly damaging to our oceans. It ploughs up the bottom of the oceans, destroying habitats in the process and releasing large amounts of carbon. The UK has banned this practice in a number of protected marine areas. We should be leading the way in banning this practice. In 2010, the Government promised to designate 10% of our seas as marine protected areas but 11 years later, we are still at only 2.4%. We must protect our oceans, the habitats in them and the carbon stored in the sea floor. We must stop their destruction by massive trawling compa-

nies and other big businesses that are dumping waste in our seas.

Deputy Darren O'Rourke: I welcome the opportunity to contribute to this debate. We have been advised that the Department of the Environment, Climate and Communications has stated that a permit application from an operator may follow shortly after the commencement of this section of the 1995 Act, which relates to the decommissioning of offshore oil and gas installations. I would like more information on that and the potential impact it may have on our marine environment. Will we have an opportunity to consider and debate this issue or will that responsibility lie entirely with the EPA?

On water pollution, I read over the debate in the Dáil on the Dumping at Sea Act in 1995. It was interesting to note that the Act introduced a prohibition on the dumping of sewage sludge from vessels at sea. It was stated in the Dáil at the time that the “dumping around our coast of raw sewage into the sea can no longer be tolerated”. While it was of course right to ban the disposal of raw sewage at sea by ships, 25 years on we continue to pump sewage from the mainland into the seas off our coasts. The EPA’s 2020 report found that raw sewage was flowing into our rivers and seas in 35 places in the State. This is a serious public health and environmental issue that stems from the State’s historical failure to invest in wastewater treatment facilities over the course of decades. It must be addressed as a matter of priority.

I commend my colleague, Deputy Mac Lochlainn, who pointed out that those involved in fishing are the custodians of the sea. In many parts of the country, anglers and angling groups are the custodians of our inland waterways. In my town of Kells, the Kells Anglers Association has done tremendous work in looking after the Blackwater river and the people involved have a forensic knowledge of the river.

On the issue of offshore wind farms, when this Act was introduced oil rigs off our coast were common and legislation was needed to govern that area but offshore wind farms were not as common. They are a more recent phenomenon. The next decade will see a significant increase in the construction of offshore wind farms, first in the Irish Sea and then, hopefully, that will be followed in the south and west coasts. These construction projects are vital in helping Ireland to achieve our renewable energy targets, reduce our carbon emissions and also position our island to become an exporter of green energy to the EU. This development will give rise to questions regarding the responsible construction of these installations, their impact on the marine environment and the plans for the future when these wind farms may need to be decommissioned or replaced. Has the Minister examined this issue specifically with regard to offshore wind installations? If so, he might address whether this legislation is adequate for this area. It is a prospect which we need to grab with both hands.

An Leas-Cheann Comhairle: Tá mé ag bogadh ar aghaidh go dtí an Grúpa Neamhspleách. I call Teachta Naughten.

Deputy Denis Naughten: We have all heard the old saying, “The nearest to the church, the farthest from God”. While I might be the Teachta farthest from the sea, representing the most inland constituency in the country, as the former Minister for Communications, Climate Action and Environment this is an area in which I have a great interest. I have probably taken an interest in this area where many of my predecessors did not because I see the great opportunity it presents. It is important that we consider and fully explore these opportunities.

At the briefing last Monday, I raised two specific questions with the Minister’s officials

and indicated I would ask those questions again today. I hope I will get answers to them now. The first issue concerns not wanting to see a repeat of the sugar shambles we witnessed in the 2000s when we decommissioned our whole sugar processing industry. Those facilities could have been used to process sugar beet and produce domestic bioethanol to blend in with petrol at garage forecourts, rather than importing bioethanol from the other side of the globe. I do not want to see that happen in respect of the topic we are discussing.

This legislation allows for the partial removal of the undersea facilities that have been developed over the past 43 years. When I was the Minister with responsibility for this area, I asked my officials to do an assessment of the use of these wells off the south coast for carbon capture and storage, CSS, and the potential to use the Whitegate gas-fired power station for that purpose. I also asked about the potential to use the wells for the storage of natural gas. When the Corrib natural gas field is exhausted in ten years' time we will be dependent on two gas interconnectors that link us with the United Kingdom and bring in supplies from outside the European Union. That is our only source of natural gas. In that context, there is a potential opportunity to store that gas off our coast. Whether these wells are geologically suitable for that purpose is a question which should be answered properly today. I would like to know what the position is in that regard. I was told at the briefing on Monday that we do not have that answer yet as we are still considering the matter and we will have it at some point in the future. Yet again, Dáil Éireann is being left in a position where Members are being asked to make a decision without having all the relevant information presented to us as parliamentarians.

The second question I asked the Minister's officials on Monday was whether the requisite capacity existed in the EPA to process these applications. The answer I got was that the EPA does not deal with many applications regarding dumping at sea, and that is correct. Those officials are involved in other work on a day-to-day basis, however, and that has to have an impact on that.

I will raise two specific issues with the Minister. On 13 January, I raised with his colleague the Minister for Health, Deputy Stephen Donnelly, the fact that there are hospitals in this State that do not have enough bins to store the waste personal protective equipment, PPE, that is being generated. They have not the capacity to do that. We are aware, from responses I have received on the floor of this House, that one third of the Covid infections in hospitals are acquired in the hospitals. Surely if we are not properly managing the storage and maintenance of waste PPE, it poses a potential risk.

For the past three years, the EPA has been considering an industrial emissions licence application that would allow for this PPE to be treated on site in each of our hospitals across the country. We are still waiting for a decision. I asked the Minister for Health whether he would intervene in this regard and just last week I received a response to say that no, it was nothing to do with him, and that it is the Minister for the Environment, Climate and Communications who has to deal with that. We have large-scale Covid-19 infection in our hospitals, with a potential risk associated with the management of waste in our hospitals, and the first thing the Minister for Health does is to kick the ball onto the other pitch. It is a case of "Not my problem".

My other point is on the end of waste status for recovered waste materials. Given the number of applications currently with the EPA on this matter, and based on the rate of processing those end of waste applications, it will be 16 years before the applications currently on hand will be processed by the EPA. This is for material that is currently going into the very limited landfill facilities in Ireland. This material could be recycled into new products. It is being put

into landfill because the EPA will not issue licences for the reprocessing of those particular materials, be it glass or other materials. This includes construction materials, which is an issue for the Minister's own Department. The Minister will be aware that construction material is exported from Ireland to go into landfill in other parts of Europe, some of which could be reused here in the construction and road industry. Because the EPA is sitting on those licences, however, it is not happening. We are now putting more work on top of the EPA without giving it the resources.

Deputy Michael Collins: The dumping at sea motion provides that the responsibility for the Dumping at Sea Act be transferred to the Environmental Protection Agency. Dumping at sea creates water pollution but it does not stop at the sea. There has been a lot of discussion today about renewable energy, oil and gas, which is away from where we are going. Dumping at sea is an awful and huge issue in the area I live, which is a coastal area. I see rural social workers, community employment workers and TÚS workers cleaning up the pollutants that come into our coastline. It is a huge issue. Deputy Bríd Smith has left the Chamber but I listened to her speak on the Barryroe gas field. That licence was given well before licences had stopped being rolled out. It is not fair to pinpoint that. Deputy Smith called it the "Barrymore" field but it is Barryroe in west Cork. I know where it is because it is in my constituency but the Deputy should do better research than she is doing.

Whether the dumping is at sea or elsewhere there is massive illegal dumping in my constituency along the coastline. I praise the Bantry Tidy Towns group which last week had to pick up 22 bags of clothes and five bags of rubbish. There is a massive amount of illegal dumping going on.

We must also consider the sewerage systems in west Cork that continuously cause massive pollutants. These have not been rectified. I could name the areas here, one after the other. I ask the Minister, Deputy Darragh O'Brien, to at least look into those issues going forward. It is not just that people can smell this pollution, they can also see it. Some people have to swim in it. It is totally wrong and incorrect. I plead with the Government to look at it and provide proper funding for it.

Deputy Mattie McGrath: I too would like to speak on this important issue. I salute all of the Tidy Towns groups up and down the country, and the angling clubs and game clubs, including those in the three parishes in my area. They do excellent work for habitats through restocking and so on.

I am currently assisting a group of small independent farm plastic recovery operators in circumstances where they perceive the existence of a non-competitive structure and behaviour in the farm plastics recycling sector. We all want to recycle and encourage our young people in this regard. Mol an óige agus tiocfaidh sí and they can teach us an awful lot. Broadly speaking, all suppliers of farm plastic such as silage covers charge a levy on sales to farmers. The purpose of that levy is to fund the recycling of these plastics. The problem for the independent operators, and there are a good few of them, is that 100% of the levy is paid to one company, the Irish Farm Film Producers Group, IFFPG. I am informed that this company is obliged to recycle just 70% of the farm plastics but receives 100% of the levy. Independent contractors, on the other hand, receive no levy and no financial assistance whatsoever. This is very unfair.

A previous speaker referred to the closure of the beet factories. Those closures were a shame. The factory in Tuam was closed first and then Thurles, Carlow and Mallow. Those

plants could have been used to do some valuable work. We should be thinking of where we are going.

As I understand it, the charge to the farmers for the levy is currently €140 per tonne. This clearly puts independent operators at a major competitive disadvantage. There are a number of anomalies within the sector, and IFFPG is apparently Ireland's only Government-licensed recycling compliance scheme. A number of independent operators are also licensed to carry out the same activities as the IFFPG such as the collection, washing, storage, baling and onward shipment of farm plastics. The difference appears to be that the independent operators cannot collect the levy. I put it to the Minister that this will cause huge problems and I appeal to the Minister on it. I respect the Minister's bona fides on this. Will he meet me and some of the parties via Zoom to discuss this serious anomaly and the unfairness? The anomaly is that the current structure has the effect of putting independent operators out of business and thereby places the entire farm plastics sector in the hands of one monopoly. Our experience of monopoly in this country is frightening, we see it every day of the week. This is a hugely important issue for the environment. I have an-chara liom, Declan Doocey, fear uasal ó Lios Mór, Contae Phórt Láige, who is being prosecuted at the moment. He has it on stock in his yard and he cannot move it on. I appeal to the Minister to look at the independent contractors. A very good friend of mine is a member of the Barrington family in County Clare. They were trying to collect the plastic, wash and clean it, and manufacture plastic stakes, which is a great idea for greenways and so on because they last forever, while using up the waste plastic, but they got no support. I ask the Minister to look into this, with the Minister for Agriculture, Food and the Marine, and with the Minister for the Environment, Climate and Communications. I ask the Minister to please meet with this group to discuss this anomaly and this perilous situation the independent are in. They are good people who set up independent businesses themselves and now they are being forced out of business, and are even being prosecuted and intimidated by the big companies.

Deputy Thomas Pringle: Kinsale Energy Limited published a report on the decommissioning of gas fields and facilities project more than two and a half years ago, on 12 June 2018. At that time Kinsale Energy was preparing for the decommissioning of the fields and facilities, which were coming to the end of their productive life having been in production since 1978. It is a very useful and interesting report.

The motion before us refers only to the Dumping at Sea Act 1996 but there are many other connected items of legislation, regulations and licensing terms. The licensing terms of 1992 state, with regard to decommissioning, that the Minister should be given at least one year's notice and that the Minister must be sent an abandonment plan in writing, which must contain information about abandonment and removal of facilities. Is it right to think that the Minister's Department has had the decommissioning plan since mid-2018 but that this motion is now urgent because the Environmental Protection Agency is about to receive an application to dump at sea by the Kinsale group? My take on the matter, following a short online briefing earlier this week, is that it has already been decided that the Environmental Protection Agency will approve the application. Obviously, this matter has come before the House today because it needs to be considered as an option for the EPA to grant a licence. God forbid, we could not expect it to remove the stuff it put in there and made money out of in recent years.

The dumping at sea application relates just to the pipelines and so-called "umbilicals" of the gas fields. The wells are being plugged and abandoned and the platforms are being entirely removed. However, the legs of the platforms will be cut at the seabed. We were told that there would be no trace of the platforms. The evidence that the gas fields were there will be in the

seabed. However, not all the pipeline is buried. At the briefing this week, we were informed that the pipeline is only partly buried. About 13 km of pipeline is buried, 3.5 km is covered by rock, 3 km is free-spanning above seabed, and 35 km to 36 km is currently exposed. Apparently without this function the only option is to remove all the infrastructure in place. What is wrong with that?

As outlined by previous speakers, Ireland currently holds the chair of the OSPAR Commission. The OSPAR Convention of 1992 is the legislative framework for international co-operation on environmental protection of the north-east Atlantic. Decision 98/3, paragraph 2, relates to the dumping and leaving wholly or partly in place of disused offshore installations. It states that it is prohibited within the OSPAR maritime area. However, Ireland as chair of the OSPAR Commission is going to actually approve this. It makes sense that the Government is siding with corporations and making life easier for them, rather than adhering to the principles of international conventions.

I am sure Kinsale Energy Limited will make the application to the EPA and it will be approved because that is the only reason for dealing with this motion today. I believe the legislation was passed in the 1990s and this part of the legislation was never commenced. It was never an issue because the Kinsale field was not going to be decommissioned at that stage, so it would continue to wait to happen. We have reached the stage where it must happen to allow the EPA to grant this facility.

I have been looking at how our Governments do not seem to enact any legislation and then it all becomes a big rush. The Government does not seem to be aware of some aspects of legislation that it should be interested in. I am particularly thinking of the licensing of UK fishing vessels where the Department did not even know anything about it, and it was up to the vessel owners to highlight the issue. For 20 years this legislation has been sat upon and nothing was done and nothing happened. Now it is coming through as a rush job. One positive aspect is that it signals to us that something out of the ordinary is happening where Kinsale Energy Limited is going to lead the process for decommissioning and not the other way around.

Minister for Housing, Local Government and Heritage (Deputy Darragh O'Brien): I thank the Deputies who contributed, many of whom made relevant and constructive comments, while others made comments about other areas that are outside the subject matter of the debate. We will respond as best we can to the matters that were raised.

I thank the House for agreeing to debate the motion and allocating time to it. It is very rare to seek approval such as this for a commencement order from the Oireachtas. However, it provides us with an opportunity to consider this and discuss other areas relating to our marine environment. I want to make something clear to some Members who believe some matters are preordained. I stated earlier that commencing this legislation does not commit us to any particular course of action.

Regarding aquaculture, the Chairman on the Oireachtas Joint Committee on Housing, Local Government and Heritage, Deputy Matthews, gave a very important contribution here today. The marine planning and development Bill is a priority for the Government. The committee has already made a recommendation on how the potential of aquaculture can be realised in the future in a balanced way. Like other speakers, I also represent a coastal constituency. I have lived in my home area for my entire life and I have a great regard for our marine environment and its potential. The Government is absolutely on the right path.

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It is unfortunate that some who contributed earlier used this debate to attack others. That is not what this is about. This is a significant day because we are discussing the full decommissioning of these facilities, as Deputy Matthews outlined earlier on. We can look back 40 years to when exploration in these fields was happening and now, we are looking at how we can carry out their full decommissioning.

The former Minister, Deputy Naughten, raised some issues which have been passed to officials and answers will be forthcoming to him on the possibility of some of these fields being used for carbon storage in the future. That is still being looked at. A steering group has been established and it will report in due course on the potential use of these sites in the future.

The Minister of State, Deputy Noonan, is doing crucial work on marine protected areas. On 15 February, we will commence a six-month consultation with all stakeholders, including fishing communities, coastal communities and other interested parties. It is a very significant piece of work and the Government is committed to expanding the marine protected areas and to working with our coastal communities as well.

The Government has been very clear on the actions we are taking regarding climate action. Some of those who contributed earlier on may say that they are also committed to it, but when it comes to introducing any measures that will genuinely tackle climate change in real terms, they oppose it or they will want to be Tadhg an dá thaobh on things. They will say they want to back one group versus another group without any real change. Change is important and needs to happen in this area. What the House has agreed here today is significant and allows us to take a further step forward. It is quite exceptional here too.

We will endeavour to give answers in writing to the points raised by Members which relate to this issue where I have not had the opportunity to do so. I would suggest that Members take up other matters which do not relate to my Department or to the motion before the House with the respective line Ministers or Departments. I think the House for the opportunity to debate the motion today. I thank the Minister of State, Deputy Noonan, and the Chairman of the Oireachtas Joint Committee on Housing, Local Government and Heritage, Deputy Matthews, for their assistance and contributions. I thank all Members who have indicated their support for the measure in the debate.

Question put and agreed to.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Catherine Connolly - le plé na himpleachtaí ó thaobh chúrsaí sláinte agus sábháilteachta de bharr easpa dul chun cinn ar obair riachtanach ar ché Inis Oírr; (2) Deputy Cathal Crowe - to discuss any further measures to assist the aviation industry in light of the latest travel restrictions; (3) Deputy Jennifer Murnane O'Connor - to discuss a funding allocation for Carlow Women's Aid for 2021; (4) Deputy Jennifer Whitmore - to discuss concerns regarding the integrity of certain heritage sites in west Wicklow (details supplied); (5) Deputy Niamh Smyth - to discuss the deterioration of our local and national road network following Covid-19 lockdown; (6) Deputies Brian Stanley and Mark Ward - to discuss the need for improved access for children to psychological assessments, speech and language therapy and occupational therapy

in Laois and Offaly; (7) Deputy Pádraig O'Sullivan - to discuss an update on a new special school in Cork and progress to date in identifying a suitable building or site; (8) Deputy Michael McNamara - to discuss the insufficient capacity for school enrolment in County Clare; (9) Deputy Pearse Doherty - to discuss the current funding allocation for the retrofitting scheme for social housing; (10) Deputies Mattie McGrath, Carol Nolan and Michael Collins - to discuss the ongoing challenges facing third level students due to their student accommodation costs; (11) Deputy Ruairí Ó Murchú - to discuss the roll-out of the national broadband plan, particularly potential setbacks to the acceleration of the project; (12) Deputy Joe Flaherty - to discuss the cessation of services at the paediatric diabetes clinic at the Midland Regional Hospital, Mullingar; (13) Deputies Mairéad Farrell and Kathleen Funchion - to discuss delaying the dissolution of the Commission of Investigation into Mother and Baby Homes to examine the destruction of testimonies of survivors; (14) Deputy Emer Higgins - to discuss the introduction of vitamin D into our Covid-19 strategy to reduce ICU admissions and to save lives; (15) Deputy Jackie Cahill - to discuss the financial implications of the decision to cancel all point-to-point races for the national hunt industry; and (16) Deputy Matt Carthy - to discuss current funding plans for the opening of the group home in Carrickmacross for people with physical and sensory disabilities.

The matters raised by Deputies Catherine Connolly, Joe Flaherty, Emer Higgins and Ruairí Ó Murchú have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Cuanta agus Céanna

Deputy Catherine Connolly: Baineann an t-ábhar seo le ché ar Inis Oírr. Chuir mé síos an t-ábhar seo an tseachtain seo caite agus chuir an Ceann Comhairle é ar liosta cúltaca. Sin an fáth go bhfuil sé ag teacht aníos inniu. Fáiltím roimh an deis labhairt faoin togra seo mar tá a lán cainte taobh thiar de gan aon bheart.

Bhí cruinniú dearfach inné. Bhí na hionadaithe ann ar Zoom ón oileán agus bhí cuid de na Teachtaí Dála agus an Seanadóir Kyne i láthair. Is dearfach an rud é sin. Cuid den fhadhb, áfach, ná go bhfuil dhá Roinn i gceist. Is maith an rud é go bhfuil an tAire Stáit anseo agus go bhfuil an díospóireacht seo ar siúl trí Ghaeilge ach baineann an t-ábhar seo leis an Roinn Forbartha Tuaithe agus Pobail freisin agus leis an Aire Forbartha Tuaithe agus Pobail, an Teachta Humphreys. Dúirt sí go raibh sí thar a bheith dearfach. Cuirim fáilte roimhe sin ach roimh an tAire seo, bhí Airí eile ann a bhí dearfach freisin ach fós tá fadhbanna ollmhóra leis an gcé, go háirithe ó thaobh cúrsaí sláinte agus sábháilteachta. Chomh maith leis sin, tá fadhbanna maidir le dul chun cinn san oileán mar is gné lárnach den saol í an ché ó thaobh fostaíochta, ó thaobh na n-iascairí agus ó thaobh na ndaoine iad féin.

Bhí mé ag breathnú siar ar fhreagraí parlaiminte agus chuir an Teachta Ó Cuív a lán ceisteanna faoin ábhar seo. Tá an freagra ceannann céanna á thabhairt anois ar feadh ar a laghad dhá bhliain, go háirithe ó 2019 ar aghaidh. Bhí an Rialtas ag caint faoi chás gnó in 2019 agus táimid fós ag caint faoi chás gnó in 2021. An t-aon dul chun cinn atá feicthe agamsa ná go bhfuil sprioc ama sé seachtaine i gceist anois, chun deis a thabhairt do cibé Roinn atá i mbun na hoibre sin measúnú a dhéanamh ar an gcás gnó. Tá súil agam go mbeidh an Rialtas sásta leis an

gcás gnó. Ansin tá tréimhse de shé mhí i gceist chun an próiseas tairisceana a chur chun cinn. Sin an áit a bhfuilimid faoi láthair.

Bhí cur i láthair iontach againn inné ón toscaireacht ó Inis Oírr agus is fiú breathnú air. Níl an t-am agam anois ach ba mhaith liom an tréimhse ama a lua. Tá sé seo ag dul ar aghaidh ó 2003 go dtí anois agus tá geallúintí agus geallúintí á dhéanamh. An rud a sheas amach ná go ndearna an toscaireacht tagairt don ché i Dúlainn. Laistigh de thrí mhí bhí deireadh leis an obair ar an gcé i Dúlainn agus tá muintir Inis Oírr ag fanacht ó 2003 le geallúintí éagsúla. Ag an bpointe seo, an bhfuil freagra ag an Aire Stáit faoin tréimhse ama? An gcloífidh an Roinn leis an sprioc ama de shé seachtaine don chás gnó agus an sprioc ama don phróiseas tairisceana? An dtabharfaidh an tAire Stáit sprioc ama maidir le tús na hoibre agus deireadh na hoibre? Tá gá práinneach leis an obair sin.

Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Deputy Jack Chambers): Tá sé mar chuspóir lárnach ag an Roinn Forbartha Tuaithe agus Pobail go ndéanfaí caomhnú ar bhonn inmharthana ar phobail na n-oileán amach ó chósta na tíre. Mar chuid den chuspóir sin, tá sé riachtanach go mbeadh rochtain shábháilte ag na hoileánaigh agus ag cúirteoirí chuig na hoileáin. Chuige sin, aithníodh le tamall gur theastaigh go ndéanfaidh forbairt ar ché Inis Oírr, agus tá tagairt shonrach déanta don togra seo sa phlean forbartha náisiúnta. Tionóladh cruinniú idir an tAire Forbartha Tuaithe agus Pobail, an Teachta Heather Humphreys, toscaireacht ó Inis Oírr agus baill an Oireachtais inné chun an cás a phlé. Tuigim gur fhreastail an Teachta Connolly ar an gcrúinniú fíorúil sin freisin.

Aontaíonn gach duine go bhfuil gá le forbairt shuntasach a dhéanamh ar ché Inis Oírr ar mhaithe le sábháilteacht na ndaoine atá ag baint úsáid as an gcéibh, idir oileánaigh agus chuirteoirí. Tuigim gur aithníodh é seo chomh fada siar le 2007, nuair a forbraíodh cur chuige a chuimsigh síneadh ar an gcé agus tonnchosc chun aghaidh a thabhairt ar na tonnta ag dul thar an gcé. Ar chúiseanna éagsúla, lena n-áirítear tionchar na géarchéime airgeadais ar chaiteachas phoiblí, níor cuireadh an fhorbairt seo i gcríoch faoi mar a bhí beartaithe.

É sin ráite, tá dul chun cinn déanta le cúpla bliain anuas agus is gearr go mbeidh Comhairle Contae na Gaillimhe ag dul i mbun tairisceana chun cé nua a dheardh agus a thógáil. I dtreo dheireadh 2018, chuaigh Comhairle Contae na Gaillimhe i mbun oibre ar chás gnó nua, chun meastachán nuashonraithe ar chostais a áireamh agus chun riachtanais an chóid chaiteachas phoiblí a chomhlíonadh. D'oibrigh oifigigh na Roinne agus Comhairle Chontae na Gaillimhe as lámha a chéile chun an cás gnó a thabhairt chun críche agus tuigim go bhfuil an fhaisnéis uile a theastaíonn chun tacú leis an gcás gnó seo faighte anois ag an Roinn Forbartha Tuaithe agus Pobail ón Aoine seo caite, an 5 Feabhra. Tá an cás gnó á scrúdú ag an Roinn anois agus tuigim go bhféadfadh sé timpeall sé seachtaine a thógáil chun an próiseas a chríochnú.

Ach an cás gnó a bheith faofa ag an Roinn, is féidir le Comhairle Contae na Gaillimhe tairiscintí dearadh agus tógála a lorg d'fhorbairt na cé. Meastar go dtógfaidh an próiseas tairisceana dá leithéid seo de thogra thart ar naoi mí. Is tionscadal suntasach é forbairt na cé ar Inis Oírr agus déanfar an maoiniú don obair seo a sholáthar thar roinnt blianta, de réir an chláir tógála. Tuigim go bhfuil cás láidir déanta ag an Aire, an Teachta Humphreys, leis an Aire Caiteachais Phoiblí agus Athchóirithe chun maoiniú a chur in áirithe don ché seo mar chuid den athbheithniú ar an bplean forbartha náisiúnta. Idir an dá linn, tá maoiniú breise ar fáil i mbliana ag an Roinn Forbartha Tuaithe agus Pobail do mhion-oibreacha ar na hoileáin. Molaim go láidir do Chomhairle Contae na Gaillimhe iarratas a dhéanamh ar an maoiniú seo le haghaidh aon oibreacha eatramhacha a d'fhéadfaí a dhéanamh chun go mbeadh an ché níos sábháilte

d'úsáideoirí.

Deputy Catherine Connolly: Is féidir breathnú ar aon fhreagra go dtí seo agus bheadh sé mar an gcéanna. Deir an freagra ó Dheireadh Fómhair 2019: “Agus an cás gnó a bheith faofa, is í an céad céim eile sa phróiseas ná tairiscintí a lorg don obair.” Sin in 2019. Is féidir dul siar agus dul siar ach ní hé sin atá ag teastáil uaim. De réir mar a thuigim, tá cúrsaí pleanála réitithe agus bhí an t-airgead curtha ar fáil. Rinneadh praiseach den rud seo ach ag an bpointe seo teastaíonn aitheantas, ar a laghad, go bhfuil gá práinneach leis an obair agus nach bhfuil sé sábháilte ar leibhéal bunúsach ar an gcéibh sin.

D’admhaigh an fear a bhí ag tabhairt an chúlra dúinn inné go raibh sé san uisce faoi dhó é féin. Bhí timpiste ann maidir le bád agus tá tuarascáil scríofa faoi sin ach níl aon tuarascálacha faoi na daoine a cuireadh isteach san uisce de bharr na dtionnta a thagann trasna ar an gcéibh. Táimid bréan de gheallúintí. Táim ag iarraidh oibriú in éindí leis an Aire Stáit agus na Teachtaí eile. Tá sé tuillte ag muintir Inis Oírr go gcomhlíontar na geallúintí anois, go leagtar síos spriocanna ama agus go gcomhlíontar iad. Sin an rud atá ag teastáil. Táimid ag fanacht do pholasaí do na hoileáin agus ar a lán rudaí eile. Ag an bpointe seo, is féidir le muintir Inis Oírr fanacht cúpla mí ach sin amháin má tá an tréimhse ama ann agus má chloímid leis.

Deputy Jack Chambers: Gabhaim buíochas leis an Teachta as an ábhar seo a ardú tráthnóna inniu. Tá gach rud atá ráite aici nótaíte agam agus ardófar na pointí seo le hoifigigh na Roinne. Tuigim go bhfuil an cheist seo an-tábhachtach do mhuintir Inis Oírr. Tuigim an inní agus an frustrachas atá ar mhuintir Inis Oírr freisin faoi staid na cé. Cé go bhfuil moill leis an togra, tá sé tábhachtach go ndéantar gach iarracht anois an tionscadal a bhrú chun cinn agus tairiscintí a lorg le rochtain shábháilte a chinntiú d’oileánaigh agus d’úsáideoirí na céibhe. Mar a mhínigh an tAire ag an gcruinniú inné, is tosaíocht di é forbairt ché Inis Oírr, agus tá i gceist aici go dtabharfaí tosaíocht di sa phlean forbartha náisiúnta athbhreithnithe i mbliana.

Agus an togra seo á chur i gcríoch, molaim do Chomhairle Contae na Gaillimhe gach rud gur féidir leis a dhéanamh chun aghaidh a thabhairt ar shaincheisteanna sláinte agus sábháilteachta, lena n-áirítear trí fhorbairt a dhéanamh ar an bhféidearthacht go ndéanfaí mion-oibreacha nó fodhlíthe a d’fhéadfadh tacú le pobal Inis Oírr. Cé go bhfuil sé riachtanach tabhairt faoi phróiseas chuimsitheach agus críochnúil tairisceana do dhearadh agus do thógáil na céibhe, tá mé muiníneach go ndéanfar dul chun cinn suntasach maidir leis an togra seo le linn 2021, go háirithe leis an dea-thoil a léirigh na páirtithe uile a bhí i láthair ag an gcruinniú leis an Aire inné. Iarrfaidh mé ar an Aire teacht ar ais ag an Teachta go díreach maidir leis na pointí eile a luaigh sí inniu.

Paediatric Services

Deputy Joe Flaherty: I am extremely worried about developments at the paediatric diabetes clinic at Mullingar hospital, where services and appointments have ceased as a result of a farcical recruitment issue. There are 130 children attending this service, with 41 on insulin pumps. Based on those numbers and international standards, there should be two clinical nurse specialists, CNS, attached to this service. A former CNS was due to retire in May 2019 but remained working on a part-time basis until November 2019 to ensure the service could continue. Unfortunately, it is now almost 20 months since the service has had specialist diabetic nursing support for clinics and for the necessary follow-up support services. Parents are deeply perplexed. Great credit is due to Professor Michael O’Grady who heads up the service and in

recent days took the time to issue parents with a four-page document setting out the comprehensive background that has led to the suspension of services.

The case for a replacement CNS was first rejected at national director level in 2019 but, thankfully, following the intervention of Professor O'Grady, that decision was subsequently reversed. As we all know, there is a shortage of nurses qualified to work in the role of CNS in paediatric services. Professor O'Grady again intervened and asked that a background in paediatric nursing be removed from the job specification to broaden the pool of potential applications. Unfortunately, that request and advice was ignored. Not surprisingly, when the post was advertised in December 2019 there were no applicants. So began a new recruitment process which, within the HSE, typically takes six months. Once again, the prohibitive requirement that applicants have a background in paediatric nursing was retained despite the HSE knowing it would restrict the level of applications. Around this time, and in conjunction with the recruitment campaign, Professor O'Grady presented a business case for a second CNS for the service in line with the aforementioned international staffing requirements. That case was duly approved by local management but was subsequently rejected up the line.

Last September, the service was forced to scale back the number of services offered in Mullingar and to close access for new patients, who are now being sent to Dublin for treatment. The service was also forced to suspend the initiation of insulin pump therapy for new users following the departure of one of Professor O'Grady's consultant colleagues. As things stand, a replacement CNS has been approved but, unfortunately, for personal reasons, this person is not in a position to take up this position until 2022 and the service in Mullingar is paused. Children are being referred to Dublin where the service is already at capacity in the three hospitals. Those hospitals will be overwhelmed with an additional 130 patients.

Professor O'Grady has fought valiantly for more than a year to save this service. It is regrettable that the future of such an important service for our region is the subject of a debate here this evening.

Minister of State at the Department of Health (Deputy Mary Butler): I thank the Deputy for raising this issue and for setting out clearly the history in this situation, which gives me the opportunity to provide an update to the House in regard to the concerns relating to the paediatric diabetes service at the Midland Regional Hospital, Mullingar.

The HSE has advised that the Midland Regional Hospital, Mullingar, has a comprehensive diabetes and endocrinology service. This is an integral part of the overall services provided by the hospital and is supported by a multi-disciplinary team of doctors, nurse specialists, dietitians and administrative staff. The services include a rapid access diabetes service, a general diabetes clinic, a young adult clinic, a diabetes in pregnancy clinic, a diabetes foot clinic and a community e-consultation service.

We know that diabetes affects people from all walks of life, from the very old to the very young and that the number of people with all types of diabetes is predicted to increase rapidly in the coming years. Internationally, type I diabetes is increasing in all age groups. In Ireland, this is especially true in the 10 to 15 year old age group. In regard to paediatric diabetes services generally, the HSE has developed a model of care for paediatrics and neonatology in Ireland, which includes a chapter on the provision of diabetes services. This model of care highlights that high-quality diabetes care is complex and requires intensive consultant-delivered care. It also recognises that diabetes care should be provided by a multi-disciplinary team that includes

clinical nurse specialists, dietetics, social work and clinical psychology.

The HSE has advised that, as highlighted by the Deputy, 130 children and adolescents attend the paediatric diabetes service at the Midland Regional Hospital, Mullingar, which consists of a clinical nurse specialist and specialist dieticians. The Deputy might wish to note that the hospital has also recently secured approval for 19-hours per week senior dietetic support. The HSE has further advised that the paediatric diabetes service was suspended temporarily last week pending the successful recruitment of a paediatric diabetes nurse, that prescriptions are still being offered through the service and that if a patient is sick, he or she can be seen through the hospital's emergency department.

The Deputy outlined that the paediatric diabetes nurse position was first advertised in December 2019. However, for a number of reasons the position was not filled on foot of this process. The position was again advertised in autumn 2020. I am advised that interviews for that position were completed recently and that an offer has been made to a successful candidate. It is, therefore, expected that the new paediatric diabetes nurse will take up employment shortly.

Deputy Joe Flaherty: I welcome the response, but I take issue with parts of it, specifically that the current service consists of a clinical nurse specialist. That is not true. I appreciate that a position has been offered but the reality is the person cannot take up that position until 2022. In effect, there is no clinical nurse specialist attached to this service.

I refer to Professor O'Grady's recommendation and business case for a second clinical nurse specialist for this service in line with international norms. I acknowledge that parents and children can access services through the emergency department, if necessary, but in the context of Covid-19 we are trying to discourage that. It is critical that we get this service back up and running. It is a vital service for the region. To be honest, the response issued from the HSE through the Minister of State is not good enough for the parents and young children.

I would be remiss if I did not acknowledge Professor O'Grady who, along with his family, moved here from Australia eight years ago, settling in Mullingar town, and pioneered and developed this state-of-the-art leading paediatric diabetes service in this country, of which the hospital in Mullingar is incredibly proud. He has spoken passionately about this service. He is exasperated and the parents are crestfallen. They have spoken about the demise of the service and have communicated this in emails. To be honest, they are angry and distraught. It would seem that the only bodies that can save this service are the HSE and the office of the Department of Health. I plead with the Minister of State to take back to the HSE the message that the people of four counties, including Longford, Westmeath, Offaly and Meath, are dependent on this service and that its response via the Minister of State this evening is not good enough for the parents and children concerned.

Deputy Mary Butler: I thank the Deputy for the constructive manner in which he has approached this matter. I take on board his acknowledgement of Professor O'Grady and all of the work he has done over the past eight years to develop this service, which is very important.

The Government is committed to further developing and strengthening diabetes services throughout the country, for both children and adults, given the prospective increases in the number of people that will be affected by this chronic health condition in the years ahead. I reiterate that it is expected that the new paediatric diabetes nurse will take up employment shortly. The HSE has not mentioned this will happen in 2022 but, coming from the particular area, I am sure

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the Deputy has a lot more knowledge on this issue than I do.

I understand the widespread concern that the current suspension of the paediatric diabetes service in Regional Hospital Mullingar has caused. As I said, the HSE has advised that an offer has been made to a successful candidate and the recruitment process for this post will be finalised as quickly as is possible. I am confident that the paediatric diabetes service will recommence operation when this post is filled. I will bring the Deputy's concerns to the attention of the HSE.

Covid-19 Pandemic

Deputy Emer Higgins: There are 170 people in Irish intensive care units at this time. Fortunately, that number is reducing by the day but, right now, 170 people are critically ill with Covid-19 in Ireland. That is 170 people whose families are crippled with fear. I ask the House to imagine for just a second if we could change that. I ask colleagues to consider that we could introduce a simple and cheap intervention that could decrease the number of people fighting for their life in ICUs. I ask the Government to imagine what might happen if it were brave enough to take a bold decision instead of waiting for additional evidence that may come too late. What if, by taking that decisive action, we saved hundreds of lives across Ireland?

That is what I am asking of the Minister for Health. I am asking him to be brave enough to make a decision that could change the trajectory of this pandemic and potentially save hundreds of lives. I am asking him to provide free vitamin D supplements to people who present at Covid test centres and free activated vitamin D to people on admission to hospital. I am asking that he advise our general population to start purchasing and taking these affordable, readily available supplements as part of our response to the pandemic.

All the decisions we have made during this pandemic have been rooted in science and this would be no different. The positive effects of vitamin D are widely known. Studies in the UK, France and, in particular, Spain show a direct correlation between high levels of vitamin D and enhanced immunocompetence against Covid-19. In Spain, 50 out of 76 patients admitted to hospital with Covid-19 received activated vitamin D. All of them were discharged without complications. Of the 26 patients in the study who did not receive vitamin D, half of them ended up critically ill in ICU and, sadly, two of them passed away. In Connolly Hospital in Blanchardstown, our medics have seen at first hand that patients with low levels of vitamin D are more likely to require admission to ICU and three times more likely to require a ventilator. The evidence exists and the studies are being done. There is no risk in advising our general population to take vitamin D at high dosage. The Food Safety Authority of Ireland and European studies have confirmed that.

Despite this evidence, here we are, with a Government approach that is at a do-nothing level of caution. If we continue on this path, it may be too late for the people in ICU. That is not me being dramatic. That is me paraphrasing *The Lancet* medical journal, which published an article last month warning us that additional evidence on the correlation of Covid-19 and vitamin D may come too late. What is taking the Minister so long to act on the evidence that exists? We already know that half of all Irish people have insufficient levels of vitamin D. We already know from the Irish Longitudinal Study on Ageing, TILDA, that the populations for whom Covid-19 is most deadly, including older people, have an 80% vitamin D deficiency. These are the cohorts that account for 50% of our fatalities. It is not just older people. A staggering

94% of black, Asian and ethnic minority people here in Dublin have vitamin D levels below the threshold for enhanced immunocompetence.

What is stopping the Minister from recommending that people start taking vitamin D to help protect themselves from ending up on a ventilator? I have tabled tens of parliamentary questions on this issue and asked for meetings between the Minister and the Covid-D Consortium, which specialises in this research. That group of experts was not even consulted by HIQA ahead of its recommendations to the National Public Health Emergency Team, NPHE. There is negligible risk in this strategy and potentially a massive gain. I am asking the Minister to include recommendations around vitamin D supplementation in the living with Covid plan. That simple act could save lives.

An Ceann Comhairle: I invite the brave Minister of State from Waterford, Deputy Butler, to address Deputy Higgins's questions.

Deputy Mary Butler: I thank Deputy Higgins for raising this important matter. Vitamin D is essential for bone and muscle health and to support the normal functioning of the immune system. Vitamin D can be found in a variety of foods, including in fortified cereal and dairy products, and humans can also absorb it from the sun. I take this opportunity to highlight the importance of a balanced diet that not only supports overall health but can also help to increase vitamin D intake. This is particularly important for vulnerable populations. I ask that nursing homes and all service providers continue to ensure suitable food offerings and outdoor activities are provided, as appropriate, to further maximise vitamin D intake.

Department of Health guidelines on vitamin D, which were updated in November 2020, advise adults aged 65 and older to take a daily vitamin D supplement of 15 micrograms to support bone and muscle health. In the context of Covid-19, it is currently advised that those who are self-isolating or are unable to go outside, including adults and children over the age of one, should consider taking a daily supplement containing 15 micrograms of vitamin D to ensure a healthy vitamin D status.

The role of vitamin D supplementation in the prevention or treatment of Covid-19 has not been definitively established. NPHE considered an evidence synthesis paper on the role of vitamin D in the prevention and treatment of the virus on 28 January 2021. The paper examined available research evidence up to January 2021, including recent rapid reviews, randomised controlled trial evidence, observational studies and laboratory studies. A recently updated rapid review conducted by the National Institute for Health and Care Excellence in the UK concluded that there is currently a lack of evidence linking vitamin D and the incidence and severity of Covid-19. The report advised increasing awareness of existing recommendations relating to vitamin D supplementation. Results from a randomised control trial reported reduced admission to ICU and reduced mortality in patients with Covid-19 receiving standard care plus vitamin D compared with standard care alone. However, this trial was noted to have significant methodological limitations, including low participant numbers and a serious risk of bias. Collectively, other evidence provides conflicting reports of an association between vitamin D supplementation and a reduced risk of poorer outcomes from Covid-19 infection.

NPHE agreed that, at present, there is insufficient high-quality evidence with respect to vitamin D in the prevention and treatment of Covid-19. NPHE also agreed that efforts should be made to increase awareness of existing guidance. Adults spending increased time indoors, those who are housebound or in long-term residential care and people with dark skin pigmen-

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tion are recommended to take a daily vitamin D supplement. NPHEt's recommendations for the use of vitamin D are being incorporated into wider messaging and, additionally, are being communicated across the health service, including in nursing homes and social care settings as necessary. The Department of Health has recently written to the HSE and Nursing Homes Ireland to encourage implementation of guidance on vitamin D supplementation in nursing homes. In the coming weeks, a presentation will also be delivered to GPs through the Irish College of General Practitioners on the importance of vitamin D and it is expected that this will reach upwards of 3,000 GPs.

NPHEt will continue to monitor ongoing developments and research in this area, particularly randomised control trials, and will review guidance accordingly. The Government will continue to look to NPHEt to provide recommendations with regard to vitamin D supplementation and Covid-19. The Government remains united in its resolve to tackle the spread of the virus.

Deputy Emer Higgins: I thank the Minister of State for her reply. However, all she has done is reiterate what we already know. I do not mean to be disrespectful to her when I say that I am frustrated that the Minister, Deputy Stephen Donnelly, is not here to participate in the debate. He seems to be avoiding this issue entirely. He is giving me evasive replies to parliamentary questions and promising updates on my meeting requests which never arrive. His role is not to sit back and blindly do what he is told to do by cautious, anonymous public servants. His role is to question, probe and, above all else, act. He is not a passenger in the car; he is the person driving the car for us during a pandemic. He is choosing our course and our speed of acceleration.

I believe, as do the scientists and academics I am working with, that we cannot afford to wait any longer for action on vitamin D. We are not alone. People like Professor Luke O'Neill are flying this flag too. The Minister must make vitamin D supplementation part of the Government's new plan for living with Covid. We can look across the water for inspiration in this regard. Finland, with a higher population than us, has buried 3,000 fewer people than we have during this pandemic. For almost two decades, Finland has been fortifying its food with vitamin D.

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Apart from the remote island of Iceland, the people of Finland have the lowest death rate from Covid-19 in Europe, and because of vitamin D they had a head start when it came to Covid-19.

Let us look closer to home. Right now in England - the Minister of State referenced the report - a four-month supply of vitamin D supplements is being given to those who are medically vulnerable. Those responsible have not said this new measure is a direct response to Covid-19. I imagine this is why they have not advised to go with a higher dosage, which is what the covid-D consortium are recommending. Is that because they do not have evidence to categorically and definitively say so? Instead of waiting for additional evidence that may come too late, they are acting on what they already know. As we know, in a pandemic speed trumps perfection.

Deputy Mary Butler: It would be remiss of me not to say that the Minister for Health, Deputy Donnelly, was here this afternoon speaking on the Covid-19 vaccines question-and-answer session. I believe the Minister had another appointment.

I thank Deputy Higgins for raising this important matter. An evidence synthesis paper on vitamin D and Covid-19 prepared for national public health emergency team was discussed at its meeting on 28 January 2021. The paper examined available research evidence up to that date, including recent rapid reviews, randomised controlled trial evidence, observational studies and laboratory studies. NPHEAT agreed that at present there is insufficient high-quality evidence with respect to vitamin D in the prevention and treatment of Covid-19. NPHEAT agreed however that efforts should be made to increase awareness of existing guidance on vitamin D.

As I have said, a number of groups should take a daily vitamin D supplement, including adults spending increased time indoors, those who are housebound, those in long-term residential care and those with dark skin pigmentation. Measures are now being taken to communicate these recommendations for the use of vitamin D. Communication has been already issued to nursing homes and a presentation will be made to GPs. I encourage everyone to note the guidance from the Department of Health advising adults aged 65 years and older to take a daily vitamin D supplement of 15 µg to support bone and muscle health.

While the role of vitamin D supplementation in the prevention or treatment of Covid-19 has not been definitively established, I wish to assure the Deputy that NPHEAT will continue to monitor ongoing developments and research, especially randomised control trials, in this area and will review guidance accordingly. The Government will continue to look to NPHEAT to provide recommendations with regard to vitamin D and Covid-19.

Once again, I thank Deputy Higgins for her interest in this subject. I will certainly pass on her thoughts to the Minister, Deputy Donnelly.

National Broadband Plan

Deputy Ruairí Ó Murchú: I thank the Minister of State, Deputy Butler, for taking this Topical Issue matter. On some level she got the cards no one would want. It is straightforward like that.

I accept that the Minister is busy. However, I believe this is a particular issue and I have said to an official in the Minister's office that I expect the Minister to come back to me on this matter.

There are several issues we need dealt with at Government level. We all welcome the initial roll-out of the national broadband plan. We see it in the light of rural electrification by the ESB and the Minister has spoken of it as such.

The remote working scheme has been talked up by the Tánaiste. He also said that supports are available and an attempt by Government has been made to look at every means from the point of view of accelerating this process. That is absolutely necessary. However, I believe we might need an operational point person for when there are issues relating to National Broadband Ireland that need to be dealt with, whether at Civil Service, local authority, cross-departmental or governmental level.

I had a meeting with representatives of National Broadband Ireland earlier in the week. In fairness, the chief executive officer and the deployment officer, among several others, were at it and I thank them for that. It is straightforward. I do not need to go through the ins and outs. I was given an update in respect of Louth. I could talk about areas of Louth that do not have

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deployment. I could talk about the difficulties that people have with remote working and home tutoring of children who are unable to be at school at this point. However, I will leave that all behind.

We know this is a plan to be rolled out to 544,000 premises. That number has increased. More people now live in the intervention areas. It was deemed that other areas needed to be included in the intervention area because their broadband connectivity was not good enough.

I will shift through to several of the problems. National Broadband Ireland, like everyone else, was impacted by Covid-19. The organisation is slightly behind but those responsible still intend to keep as close as possible to the timelines.

One issue needs to be brought up. Obviously, when NBI is operating in deployment areas tree trimming is an issue. I know it is an issue for the Irish Farmers Association and others. This could be a problem for the roll-out. We need a moratorium, or perhaps under the Act there is a means for a major infrastructure project like this to be accommodated. It needs to be dealt with as quickly as possible.

Section 254 guidelines are being rolled out in respect of poles and planning. I have been told by National Broadband Ireland that this is good. Those involved expect this to be rolled out across all local authorities. Sometimes the problem is the means by which they look for permits. They will try to deal with everything. If NBI needs to put in 50 poles, maybe 30 fit the guidelines and then the operators have to deal with the others. Problems occur during operations. One of the difficulties is the fact that they have to put in fresh planning. If that planning is with Transport Infrastructure Ireland, it could take four to eight weeks. If it is with the local authority, it could be anywhere from two days to eight weeks. That is not good enough and it is holding them up.

There is also a problem with skillsets. We need to talk with the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris. There is talk of taking in teams from abroad. There are difficulties around ensuring that safe passes can be sped up. I will deal with the other matters presently.

Deputy Mary Butler: My thanks to Deputy Ó Murchú for raising this issue. As the Deputy rightly said, I am taking this for the Minister for the Environment, Climate and Communications, Deputy Ryan, this afternoon.

The national broadband plan contract was signed with National Broadband Ireland in November 2019 to roll out a high-speed and future-proof broadband network within the intervention area. The area covers 1.1 million people living and working in more than 544,000 premises, including almost 100,000 businesses and farms as well as 695 schools. Despite the challenges presented by the Covid-19 pandemic in 2020, National Broadband Ireland has made steady progress on initial works. I am advised by National Broadband Ireland that, as of 11 February this year, more than 174,000 premises across 26 counties have been surveyed. This is ahead of schedule.

The next step is for National Broadband Ireland to develop a network design to deliver the new fibre-to-the-home network to these premises. Substantial design work is under way. The first fibre-to-the-home connections are in Carrigaline, County Cork and Cavan. This project will be subject to technical testing and validation prior to a wider release to the area. Since 25 January, retailers have been able to resell the service. Householders in these areas will be able

to order high-speed broadband provided via the NBI network. The next areas in which connections will be available are Galway and Limerick. Further details on specific areas are available through the NBI website.

NBI provides the facility for the person responsible for any premises within the intervention area to register interest in being provided with deployment updates. Individuals who register with this facility will receive regular updates on progress by NBI on delivering the network and specific updates related to their premises when works are due to commence.

Broadband connection points are a key element of the national broadband plan to provide high-speed broadband in every county in advance of the roll-out of the fibre-to-the-home network. As of 11 February 2021, some 268 broadband connection point sites have been installed by NBI. The high-speed broadband service will be switched on in these locations through service provider contracts managed by the Department of Rural and Community Development for publicly available sites and by the Department of Education for schools. An acceleration of the schools aspect of the project was announced in December. It will see 679 primary schools connected to high-speed broadband by 2022, well ahead of the original target delivery timeframe of 2026.

While substantial progress has been made to date, the Covid-19 pandemic has had an impact on the delivery of the fibre network, resulting in delays to delivery of aspects of the programme of a number of months. The extent of this impact is currently being assessed and NBI has committed to putting in place measures to mitigate the impact insofar as is possible. The Covid-19 pandemic has also highlighted the importance of good, reliable broadband to ensure that citizens across Ireland can avail of remote working, education and other essential online facilities. This is reflected in the commitments in the programme for Government, where delivery of the National Broadband Plan will be a key enabler of many of the policies envisaged, particularly around increased levels of remote working.

The programme for Government commits to seek to accelerate the roll-out of the National Broadband Plan. In this regard, the Department of the Environment, Climate and Communications Networks continues to engage with NBI to explore the feasibility of accelerating aspects of this roll-out, in particular to establish the possibility of bringing forward premises currently scheduled for years 6 and 7 of the current plan to an earlier date. NBI has now established a dedicated team to investigate acceleration of the roll-out from its current contracted schedule of seven years. Exploring the potential to accelerate the network roll-out is being undertaken in parallel with the measures required to mitigate delays arising as a result of Covid-19, which must be the priority at this juncture.

Deputy Ruairí Ó Murchú: I will detail some of the issues that have been brought up and perhaps we could get them dealt with. NBI is going to use the infrastructure of Eir and the ESB. It believes at this stage that Eir and the ESB probably need to up their capacity to be able to follow on from NBI but the relationship with Eir and ESB, NBI tell me, is actually very good at the minute. However, we are talking about survey, design and build and we are hoping that, as I think the Tánaiste said, this could be reduced from seven years to four or five, possibly.

The Safepass issue for contractor teams that need to come in must be dealt with. That is the reason some of them are not being brought in. We also need to look at the fact that if we need to bring in people from abroad it means we might be lacking skillsets here.

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On tree-trimming, obviously the Minister of State herself has said that Covid has held up operations. There must be a moratorium because if this is necessary the tree-trimming required for dealing with this absolutely necessary infrastructure just needs to happen. Sometimes planning permits are required and we may need a new system, as it was put to me that the one we have is a stop-start system. If one suddenly needs to put in a new planning application because a problem has appeared with a particular pole then one must start the planning process again. With Transport Infrastructure Ireland, TII, that can take upwards of four to eight weeks, as I said. Even with the local authority, in a perfect situation it can be done in two days but again it can take from six to eight weeks. NBI have these guidelines that is trying to operate across the board to reduce this but we need to put in place a system that will streamline this and will operationalise it. This is probably not the forum to deal with this but if the Minister could come back to me on it, we could find a solution to streamline this. It is just too important, we need delivery and at the end of the day the Minister has responsibility.

Deputy Mary Butler: I have listened to the points the Deputy has raised, especially on tree-trimming, Safepass issues and the others. As we all know, the pandemic has highlighted the importance of good, reliable broadband to ensure citizens across Ireland can avail of remote working. Every parent in Ireland who has home-schooled knows the importance of good broadband. We have all taken Zoom meetings at home and we have dropped off those calls every so often. Everyone realises the importance of remote working, educating and other online facilities.

It is reflected in the commitments in the programme for Government where delivery of the National Broadband Plan will be a key enabler of many of the policies envisaged, particularly around increased levels of remote working. The NBP will ensure citizens throughout the entire country have access to high-speed broadband services and that nobody is left without that vital service. Despite the impact of the pandemic, NBI continues to make steady progress on its deployment activities. As I have mentioned, more than 174,000 premises across 26 counties have now been surveyed. Not unlike other large construction projects, Covid-19, as the Deputy has said, has had an impact on the delivery programme and has resulted in delays to aspects of the project. The delays NBI have had to mitigate include, among other things, mobilisation of key contractors with restrictions on operations, supply chain and logistic delays, nationally and internationally. The recruitment of key personnel, as NBI and its contractors scale up, includes challenges associated with onboarding and training people. Inevitably, like many other organisations NBI and contractor staff are at risk of contracting Covid-19 themselves or may have to restrict their movements as a result of being a close contact.

As I already mentioned, the Government has committed to seek to accelerate the roll-out of the National Broadband Plan. This includes the possibility of bringing forward premises which are currently in year six or seven to year five and exploring the potential to accelerate the network roll-out. Of the 2.4 million premises across Ireland, 77% now have access to high-speed broadband of more than 30 Mbps through commercial operators. NBI will address the remaining premises through the National Broadband Plan.

I thank Deputy Ó Murchú. I will pass on his comments to the Minister.

The Dáil adjourned at 5.17 p.m. until 10 a.m. on Wednesday, 17 February 2021.