



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 24 Feabhra 2021

Wednesday, 24 February 2021

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

*Paidir agus Machnamh.
Prayer and Reflection.*

Commission of Investigation into Mother and Baby Homes: Motion [Private Members]

Deputy Jennifer Whitmore: I move:

That Dáil Éireann:

notes:

— the shocking revelation that all 550 recorded audio testimonies of survivors have been deleted by the Commission of Investigation into Mother and Baby Homes (the Commission) - the vast majority of survivor testimonies provided to the Commission;

— that many survivors have refuted the Commission's claim that permission was sought from witnesses regarding the destruction of their testimonies, however, the Commission has not provided evidence that consent was granted by those survivors who contributed, furthermore, survivors claim they were not made aware that transcripts of their audio recordings would not be made;

— that without access to these testimonies, it removes the ability of survivors to refute various conclusions as set out in the Commission's report;

— several witnesses have made complaints to the Data Protection Commission (DPC) pursuant to the European Union General Data Protection Regulation (GDPR) and the Data Protection Act 2018, and to An Garda Síochána; and

— unless legislation is amended, the term of the Commission is due to expire on the 28th of February, 2021;

acknowledges that:

— questions remain as to the legality surrounding the Commission's destruction of testimonies, particularly under sections 31 and 43 of the Commissions of Investigation Act 2004, which requires the Commission to deposit with the Minister 'all evidence received by

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and all documents created by or for the commission' including 'records of interviews', and legality of such destruction under Articles 6 and 9 of the GDPR legislation;

— the Commission of Investigation has refused requests to attend the Oireachtas Committee on Children, Disability, Equality and Integration to answer questions from its members in relation to this matter;

— the Minister for Children, Equality, Disability, Integration and Youth has indicated the Government is currently seeking legal advice from the Attorney General in relation to the destruction of these audio recordings;

— it is understood that the DPC has raised concerns with the Commission and has asked it to provide the justification and legal basis for the deletion of the records;

— survivors need more time to seek answers to their questions and accountability over this action;

— extending the timeframe of the Commission by one year would give 550 survivors an opportunity to query why their voice recordings were destroyed by the Commission and what, if any, remains are salvageable; and

— other commissions of investigation have had their timeline extended, including the Commission to Inquire into Child Abuse which still exists as an entity; and

calls on the Government to:

— extend the term of the Commission for another 12 months to 28th February, 2022, in order to facilitate a review from the DPC and other relevant authorities' investigations into the destruction of the recordings and allow for any potential salvage of remaining testimony;

— maintain the existing legislative requirement regarding the transfer of the remaining Commission archive to the Minister by the end of this month as planned; and

— carry out a full review of legislation regarding commissions of investigation, including their operation and oversight, their terms and conditions, scope and jurisdiction.

I will be sharing time with my colleagues.

They say that time can be a great healer but for survivors of mother and baby homes that has not been the case. Instead of healing, survivors have had to learn to live with the pain. They have learned to live alongside a concealed past - a vague, unimaginable distant life. When this State, many decades later, accepted the responsibility to uncover what lay hidden for many lifetimes it did not uncover the truth. Instead, it unearthed more pain, which survivors have been forced to live through again and again. That pain does not just come from reliving the past but from actions that are carried out in the present also.

The Commission of Investigation into Mother and Baby Homes was supposed to uncover the truth through the testimonies granted by 550 survivors, each setting out and reliving the details of his or her difficult past. Instead, the commission's report churned out a series of conclusions which were not only contested by many survivors but displayed an insensitive narrative of women calling into question the validity of women's and survivors' experiences.

I will read a few of the excerpts from those conclusions and the survivors' responses to

them, as presented by Dr. Maeve O'Rourke. I do so in order that we can all remind ourselves of the power imbalance that still exists, which echoes from another time and is clearly reflected in the final report of the mother and baby homes commission, a document that was intended to be the outcome of a truth-seeking exercise. These excerpts also serve as a reminder of the importance of providing survivors with valuable time in their search for truth and justice. The executive summary of the report states that "the institutions under investigation provided a refuge". The survivor said:

I do not even know whether he was buried in a coffin... There was never even a kind or sympathetic [word] spoken to me.

In paragraph 11 of the executive summary it is stated: "There can be no doubt that legal adoption was a vastly better outcome than the alternatives previously available." A survivor stated:

One of the saddest things is the perception of adoption in the past as being the best solution for mother and child. It most certainly was not. I feel personally I have lost so much...I have information, I have photographs, but there is a disconnect, a distance that will forever be there. I missed out on meeting close and extended family members because of the so-called shame of illegitimacy.

Paragraph 27 of the final report recommendations states: "They were not 'incarcerated' in the strict meaning of the word but, in the earlier years at least, with some justification, they thought they were."

The survivor said:

We were locked in and there was absolutely no way of getting out. Daily life was so bad that I attempted to run away twice with two other girls but they always found us and brought us back. On the second occasion we were caught by the police, who returned us to the convent.

After attempting to gain access to their testimonies to counter the report's conclusions, survivors realised they had been misled again when the commission revealed it had destroyed 550 audio testimonies, which the commission believed and said had been done with the permission of the witnesses who had taken part. This is a statement heavily contested by survivors.

First, survivors' words were twisted to fit into the narrative of a report and then they were told their words had been erased. It did not even end there. In a strange twist of events over the past week, the Minister for Children, Equality, Disability, Integration and Youth revealed that backup files exist for the recordings. Late last night, at the eleventh hour, we found that the commission had notified the Department that it had retrieved all the backup tapes of audio recordings from the confidential committee and an information technology expert had identified, checked and ensured, through testing a random sample, that the material was accessible and audible. This is against a backdrop of media reports where the commission is quoted as saying the testimonies should be destroyed and this was morally and legally the right thing to do. Some commentators even stated the report has already been submitted by the commission and that should be the end of it.

The Social Democrats motion seeks to extend the commission of investigation by one year to allow survivors the opportunity to seek answers to their questions. The motion was driven by

revelations that survivor testimonies had been deleted by the commission, as explicitly stated in the final report of the commission in October. This action was in direct contravention of the Commission of Investigation Act 2004, which states that all evidence received by and all documents created by and for the commission should be deposited with the Minister on dissolution of the commission. Survivors need time to have these actions fully investigated by data protection authorities. They also need answers. It appears these testimonies are available, despite everything that has been said and documented.

I welcome that these testimonies have been found and I acknowledge the efforts of the Minister and the Department to ensure they could be retrieved from the commission. The question now for everybody in the Chamber is whether an extension is still needed. The short and simple answer to the question is “Yes”. We absolutely still need an extension.

The commission has confirmed that all files have been recovered and a sample of the 550 testimonies has been tested. We can consider that in October the commission wrote in the final report that all testimonies had been deleted, and this was reiterated to Ms Elaine O’Loughlin of the *Irish Examiner* when the commission confirmed to her that it had destroyed witness recordings and had not made any transcripts. We can consider that only last week the Minister stated the commission believed it was acting in good faith when it destroyed testimonies. We can consider that only two days ago the commission was quoted as saying “We are strongly of the view that [the recordings] should not be retrieved for legal and moral reasons”. Are survivors now to take the leap of faith that every single testimony is available and intact, and there is no possibility that any survivor, when trying to access her own story, will be turned away empty-handed? What happens in a week’s time if it is discovered that some elements of the testimonies are gone? Who will answer for that and be accountable? Will the Minister categorically guarantee today that each minute of the thousands of hours of testimony is safe and available to survivors?

The retrieval of this data is only one of the reasons the commission must remain in existence. Survivors have many questions about why they believe their testimonies are not accurately reflected in the final report. Without transcripts of their testimonies, it would be nearly impossible for them to prove this case. The retrieval of their testimonies now means they can clearly show any discrepancies and if the findings and recommendations of the report are in line with the evidence presented to the commission. This can be determined through the application of a judicial review, an exercise where every individual in Ireland can challenge the decision-making process of a public body.

As is so often the case, the story of the survivors’ path is punctuated with bureaucratic deadlines. The next deadline in seeking justice is 11 April, three months after the publication of the final report, by which time any application for judicial review must be lodged. My second question to the Minister is this: can he guarantee that access to a judicial review of the findings of the final report will be available to survivors in the event that the commission ceases to exist on 28 February next or will the dissolution of the commission shut down that opportunity for survivors? There has been quite a bit of toing and froing on this issue over the past week. I want to bring it back to the simple facts. Survivors should enjoy the same rights and access to justice as every other person in this State. The dissolution of this commission will mean that those rights will not be available to survivors. The extension of the life of the commission is a simple act. This has been done before by Government. It has been done before for the benefit of the Government and the commission. This time we are asking for it to be done for the benefit of the survivors. The extension of the life of the commission will not impact upon any of the other work that is happening in respect of survivors and the redress scheme. That work will not

be delayed. It will be completely separate and will be another opportunity for survivors to get answers if they so wish.

The power is with the Government. The survivors have done what they can. They have disputed the findings of the report, made reports to the Gardaí and to the DPC and campaigned to be heard. We have done what we can. The Social Democrats introduced a Bill seeking to extend the life of the commission but it was not passed. We have written to the DPC and we are presenting this motion to extend the life of the commission by one year. The Government has the power to use time, not as a weapon but as an instrument of reparation. It can be used as an act of apology, an acknowledgement and a confession of the State's role in these women's lives and the lives that were lost to history. This extension is still needed and time is running out.

Deputy Holly Cairns: It was a different time. That is what we say in this country when we do not have the words to describe why so many people suffered and we do not have the answers as to how and why it happened. It was a different time. It is not easy to find the words to describe how we, as a country, treated our most vulnerable. It is difficult, painful and uncomfortable, but it is essential. We must find the words, however hard it might be. We need to express, in plain English, the painful truth of what happened in these institutions. We must say and acknowledge it and do what we can as a society to finally compensate for it. We cannot move on until we do.

What do we do when we ask people to come forward to tell their stories of what happened to them in mother and baby homes? They are stories of incarceration, heartbreak and abuse. We ask them to trust us, believe that the mistakes relating to previous reports will not be repeated, set aside their experiences of being mistreated by the institutions of the State and believe that things will be different this time. We say that this time, we will centre survivors, make a real effort to provide justice and get it right.

What happened instead? It is difficult to know where to start. In October 2020, this Government rushed through legislation relating to the commission, despite the concerns of survivors, the Opposition and the entire general public. The public outcry on the sealing of the archives came directly from the Minister and statements from his Department. He rushed through the legislation without scrutiny, unnecessarily. He claimed that GDPR did not apply and stated that that was the advice of the Attorney General. It then transpired that GDPR does apply and, in fact, that was the advice of the Attorney General all along. Again, the needs and concerns of survivors were denied and disregarded by the Government. I am not referring to a Government of the 1920s or 1940s, but to the Government of 2021: the current Government of which the Minister is a member.

We like to claim that we have moved on as a society, but abuse is still allowed to happen. This is how abuse happens and continues. In recent weeks, the commission said that it had destroyed 549 survivor testimonies. When, almost immediately, people questioned how digital files could be truly deleted in this day and age, the commission stated that it had carried out an investigation and could confirm that the testimonies were unrecoverable. In recent days, the Minister stated that he would not extend the life of the commission because he did not think it was legally possible to do so. When that claim was debunked, he changed tack and said that he did not want to extend the life of the commission because it would scupper subject data access requests. That was also debunked. When he was backed into a corner, the tapes were miraculously recovered.

It is ironic that people who are seeking the truth are met with so many untruths. The commission of investigation is due to be dissolved in four days' time. It has done good work in many areas, and that needs to be acknowledged, but there are considerable and legitimate concerns. There are questions that need to be answered. Who will be held accountable for the findings contained in the report? Who will answer the legitimate questions of survivors regarding their testimonies and stories? Unfortunately, it appears that commissions of investigation are designed to leave no one accountable. The Government distances itself by saying that the commission is an independent body and the commissioners refuse to appear before Oireachtas committees.

The report of the mother and baby homes commission is part of a series of reports, including the McAleese, Walsh and Harding Clark reports, that minimised abuse and violence against women and their children and sought to explain it away, particularly by undermining survivor testimonies. Many survivors who contributed to those commission reports say that the process was callous and hostile. Now we are hearing the same again. Dr. Máiréad Enright has noted:

It doesn't matter who the respectable messenger or figurehead is - the state has been doing this for years. This latest report is just the sloppiest and most expensive example.

Where is the accountability? Survivors are seeking the right to see that their testimonies are accurately recorded and represented in the report. Regrettably, parts of the final report appear incoherent and self-contradictory and contain leaps of judgment unsupported by evidence. The executive summary states: "Women were admitted to mother and baby homes and county homes because they failed to secure the support of their family and the father of their child." Later, the report shares details of women and children raped, some by family members, and vulnerable women assaulted in State care. The report includes the incredible claim that: "The Commission found very little evidence that children were forcibly taken from their mothers; it accepts that the mothers did not have much choice but that is not the same as 'forced' adoption." These statements ignore the testimony of survivors, testimony we now know the commission was determined to destroy. Such callous contradictions compound the suffering of survivors and undermine the credibility of the commission.

Why is the Minister preventing survivors from understanding why their lived experience was disregarded in the final report? What does the commission not want people asking about? What is the role of the Government in this? While it is a massive relief to discover that the deleted testimonies now, miraculously, seem to be recoverable, we are left with more questions than answers. If the commission is dissolved at the end of this week, who will be left to answer those questions? Will the Minister and his Department do so or will he pass the buck to a non-existent commission? The Minister knows that the term of the commission can be extended and he knows that this should be done.

Judicial reviews are a basic entitlement. Survivors and adopted people are entitled to challenge the findings and recommendations of this report. If they choose to do so, how can they bring judicial review applications against a commission that no longer exists? Should a mother not be entitled to judicial review to challenge the finding that there is no evidence of coerced or forced adoption or that the labour in the homes was not abusive but simply what women would be expected to do in the home?

The commission's recommendations are stark. It makes no recommendation of redress for women whose children were taken. The only recommendations for redress are for women who

worked in county homes or in Tuam or those who had stays of more than six months. It makes no recommendations of redress for children other than those who were kept in institutions without their mothers. The commission ignores the illegal separation of mothers and children in its redress recommendations. If it turns out that someone's testimony is not recoverable, he or she should be able to seek a remedy under the GDPR in the courts, as required by EU law. The Minister has begrudgingly accepted EU law in the past and I hope he will do so again today. Finally, it is very important that the DPC is able to continue its investigation in order that we can learn what went wrong.

The term of the mother and baby homes commission must be extended if we are to have truth and justice. The commission's legitimacy is derived from the survivors, not the other way around. If the survivors say it is not over, then it is not over. That approach is survivor centred, human rights centred and justice centred, which is what the Minister promised. All the progress on this matter has occurred in spite of the Minister and the Department, not because of them. This progress includes the acknowledgment that GDPR applies, the commitment to allow access to the Minister's copy of the archive and the last-minute discovery of tapes. All this has been achieved only through the tireless activism of survivors, adopted people and advocacy groups, with massive public support.

I ask the Minister to extend the commission and put survivors first this time. I ask Deputies from all parties and none to take a stand today and say loud and clear to the survivors that they will use their vote and that this time, it will be different. If the commission is not extended, the only question left worth asking is: whose interests are being served? It is not the interests of survivors. The Minister knows he can extend the commission. We all do. The Minister, the Taoiseach, the Tánaiste and the authors of the report blame society for what happened at the time, to the effect that it was society's fault that this happened. Society is very different now. Society wants the Minister to extend the commission so there is no excuse for not doing so. The irony of people being met with so many untruths, even in the past week when this should be a truth-giving exercise, is simply unacceptable. People have had enough. Irish society has had enough. If society has the pull, punch and power that the Minister and authors of the commission report state it has, the Minister will extend this commission.

Minister for Children, Equality, Disability, Integration and Youth (Deputy Roderic O'Gorman): I welcome the opportunity to deal with the important issues raised by this motion. It is an opportunity for me to update the House on the issue of the deletion of audio files, which is central to the motion before us. Colleagues across the House are united in wanting to do what is right by survivors. I strongly believe we must focus on real solutions and move quickly to resolve the difficulties in a way that best serves survivors. For this reason, the Government has not tabled a counter-motion today. Instead, my Department and I have been focusing our energies on working with the commission to retrieve the audio recordings from the confidential committee. We have also continued preparations to be ready to start providing personal data to those who request it under GDPR when my Department becomes data controller following the dissolution of the commission at the end of this month. I firmly believe that it is these actions that can best meet the call for survivors to ensure that their voices are heard.

I understand the anger of some survivors regarding the treatment of the audio recordings. Without the courage and resilience of survivors who came forward to share their stories with the confidential committee, we would be left without a full picture of the horrors endured in the institutions. Today, I believe I can offer those survivors reassurance regarding the accounts of that lived experience.

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The confidential committee module of the commission was designed to provide a mechanism where people could give accounts of their experiences in the institutions in complete confidence and in a non-adversarial and informal way for the overall purpose of compiling a report of a general nature. The order setting out this obligation in respect of the confidential committee required that its procedures must provide for individuals who wish to have their identity remain confidential. The commission acted in good faith in seeking to design processes and procedures that met this requirement.

The commission has indicated that each interview was attended by two members of its staff. The commission stated that interviews were audio-recorded purely as an *aide-memoire* to ensure the documented accounts of the experience of survivors would reflect accurately the experience they shared with the committee. The commission has said that each witness at the confidential committee was given a guarantee of complete anonymity, and it was for this reason that tapes were deleted. I recognise that some survivors dispute this point.

Once the interviews had been documented, they were then summarised for inclusion in the 200-page confidential committee chapter, which stands as part of the commission's final report. This report preserves for all to see, and for posterity, the very powerful, harrowing and humbling accounts provided by survivors. I have said before on the record of this House that those 200 pages are, for me, the most powerful part of the commission's final report.

Over the last number of weeks, I have engaged intensively with the commission to resolve the understandable concern of survivors in relation to the audio recordings made by the confidential committee. The commission notified me on Monday, 22 February that it had retrieved the backup tapes containing the audio recordings of the confidential committee interviews from its off-site storage. A database file, including the audio recordings, was restored from the backup tapes by an IT expert. The file included 549 audio files. A random sample of these files was tested by the IT expert to verify if the audio files could be heard. A section of each sample file lasting a couple of minutes was played. All of the sample files played successfully and were audible. The commission has agreed to deposit the audio recordings with my Department, a commitment that is in keeping with other actions it is taking to transfer the rest of the archive to me by 28 February. The commission has repeatedly stated that this process and the associated actions were carried out with the knowledge of survivors and it documented this in its final report. It is clear that some survivors do not share this view. I hope the retrieval of the recordings offers reassurance to those survivors.

The commission states that consent was given by 549 of the 550 witnesses to the use of an audio device and the subsequent deletion of the recordings. For clarity, the final witness, who objected to their testimony being recorded, was not recorded. An important point to note is that I have received information from the commission that approximately 80 people who attended the confidential committee sought for their personal information to be redacted. The wishes of these people must be honoured and consideration is being given to how this will be met in terms of the audio recordings.

The retrieval of these audio recordings by the commission is a significant and welcome development. Their transfer to my Department this week will provide an avenue for those who consented to the recording of the interview to seek access to their personal data. If they consider that the record is inaccurate or incomplete, they will be able to exercise their general data protection regulation, GDPR, rights once my Department becomes the data controller after 28 February. This will involve persons making a request to exercise their right to rectification after

the archive transfers to the Department. I will publish policies containing information about how this can happen shortly. I am acutely conscious that the next steps in relation to these audio recordings will need to be carefully managed in a manner that respects both the protections afforded to an archive of a commission of investigation and the rights of all parties involved.

My Department is preparing intensively for its role in the management of the commission's archive and is committed to managing subject access requests related to the commission's archive in an efficient, effective and transparent manner and in full compliance with the data protection regulatory framework. To that end, we have established a new dedicated information management unit. This unit is staffed with and supported by relevant expertise in data protection and records management. I am pleased to state that the Department has delivered on the recommendation of the commission to appoint an archivist. At the same time as establishing these new dedicated resources, the Department has also been liaising with and consulting the Data Protection Commissioner and will continue to do so. We have also sought the advice of external GDPR experts.

In addition to all the steps I have outlined, I remain committed to considering other options to support survivors in sharing their stories and vindicating their lived experience, including through enabling witnesses to submit their stories afresh to form part of the planned national memorial and records centre. It must be remembered that while 550 people appeared before the confidential committee, many people have contacted my Department and spoken about their experiences for the first time since the publication of the commission's report. The commission's report and the Government's response, including the State apology by An Taoiseach, have been significant in giving them the courage to come forward for the first time. In future, many of these people and others who did not appear before the confidential committee may wish to tell their stories and participate in the survivor centred process which must underpin all the Government's actions.

As I indicated, the Government has not tabled a countermotion today in the spirit of working together to provide solutions for survivors. We are focusing our energies on practical actions which can assist those distressed by the deletion of the audio recordings. Given the positive developments on which I have updated the House this morning with regard to the commission's retrieval of the audio recordings, it is not clear what practical purpose can be achieved by extending the term of the commission. The focus of the Government must be on delivering the 22 actions which formed the response to the report of the commission. I am committed to sustained engagement and action to advance these measures in response to the identified needs of those who spent time in these institutions as adults and as children, even though they had committed no wrong. I have spoken with many survivors and heard the stories. I know they still suffer from the grievous breach of rights and harm done to them. I am committed to doing all I can to deliver for them. I know this commitment is shared across the House.

Deputy Gary Gannon: I was taken with a number of aspects of the Minister's contribution, in particular, his point that the Government is not tabling a countermotion because it is willing to provide practical solutions. That suggests the motion does not aim to provide practical solutions. I have an alternative view as to why the Government is not tabling a countermotion. It was reported in yesterday's newspapers that it would not do so and would allow the motion pass and then sit on its hands and do nothing.

This commission of investigation will dissolve unless the Government extends it. By sitting on its hands, the Government enables the State to become further complicit in the dissolution of

a commission that has added to the re-traumatisation of those to whom it set out to give dignity and truth. When people sit on their hands and do nothing, they become complicit.

In the months since this issue re-emerged and the Government forced through legislation in October, I have seen this descent into complicity. I have seen how people who I fundamentally believe are good and have good intentions can become complicit in the continuum of abuse, State-sponsored incarceration and horror that have been endemic in this country and were magnified to their fullest in the realities of the historical abuses in mother and baby homes. What we are seeing now and what we will see tomorrow, when Government Deputies sit on their hands and do nothing as a way of absolving themselves from blame, is further testimony to that. I call that out now because it is wrong. Those who claim they are somewhat confused or feel guilty, yet do nothing, are worse again.

We know the histories now. We have heard the stories of abuse and seen the re-traumatisation of victims. Survivors have every right to take a judicial review, yet the Government continues to close its eyes and patronisingly tells them it will work with them. At every step of the way, good people have stood in this Chamber and asked us to trust them before being dragged into doing the right thing. That has happened a number of times. In the past couple months, the Minister told us GDPR rights did not apply in this case. When survivors and activists stood up and called foul on that, GDPR suddenly did apply. The Government said there would be no access to the archives. People again had to mobilise and relive their traumas by taking to the national airwaves to say this was important. Then, all of a sudden, we learned that there would be access to the archives.

In the past couple of weeks, right up until last night, people who, in my eyes, are competent and decent and want to do the right thing, adopted the line of the State and the institutions of power in this country by saying the testimonies were irretrievable and that 550 testimonies of abuse, incarceration and suffering of the most horrific kind were gone. They willingly said on the national airwaves and in Parliament that these documents were gone. Then, at the very last moment, they suddenly changed their minds again. I am fascinated by this descent into complicity. Is that how power works? Is that how we become manipulated? Is that how we become part of the continuation of abuse by people in this State of victims who have done no wrong? It is wrong and I believe that today and tomorrow, people who say they are morally conflicted will sit on their hands and do nothing. They will watch the dissolution of a commission although it needs to stay in place because its work is not yet finished.

If we want to remember why we are at this point we have to go back to why we started in the first place. This started because 796 bodies of babies were found in Tuam. Then we had a situation in which public outcry resulted in politicians coming into the Dáil and saying that we would aspire to do better. The mechanism by which we would aspire to do better was to begin another commission of investigation. It appears that the commission of investigation was just a way of stopping public hostility at a point where it was going to really take hold in calling for truth and justice. We had a commission that went on for years and when the report came back, the worst possible results emerged. Victims are standing forward and saying their truth was, at best, not presented clearly and at worst, manipulated to serve a particular agenda.

I wish to highlight some of the work that has been done by Dr. Maeve O'Rourke, who has been incredible in recent years in standing up for truth and justice. Dr. O'Rourke has stated "The Commission finds, for example... there are no recommendations for redress for arbitrary detention". That is horrific. The Government should not tell those survivors and victims that

they were not arbitrarily detained. The fact that a commission was able to make such a finding is wrong and I cannot stand over that. On forced labour, Dr. O'Rourke has stated "The Commission recommends that Magdalene Laundry-like redress should only be available for women in county homes,... women in Tuam,... women who worked outside the institutions without pay" and for nobody else. On unlawful and unregulated family separation, Dr. O'Rourke stated "The Commission makes no recommendations at all for redress for the unlawful or unregulated separation of mothers and children." That is horrific. She continued by stating "The Commission found very little evidence that children were forcibly taken from their mothers; it accepts mothers did not have much choice but that is not the same as 'forced' adoption." How we create words and how we put words on paper has meaning and it causes harm. I cannot believe that we would tell survivors that although their children were forcibly taken from them, that was not the same as forced adoption. It is a cruel manipulation of words. Dr. O'Rourke also refers to the harm caused to children in unsupervised care situations following their separation from their mother and family, including through boarding out, and domestic and foreign adoption. She noted "The Commission makes no recommendation for redress for harm caused to boarded out children".

As this commission dissolves, cases will be taken for judicial review. Who can these victims tell of their suffering and the experiences that they verbalised? They have had to relive their traumas. When they want to challenge these findings, how can they do so as the Minister allows this commission to dissolve? That is a question we need to ask ourselves and that the Minister needs to ask himself. That is a question that every single Government representative who intends to sit on his or her hands and do nothing tomorrow when the vote comes along needs to ask him or herself. As this commission dissolves, are those Government representatives further enabling themselves to be complicit in the retraumatisation of victims and the continuation of their abuse.

Since the foundation of the State, right through these mother and baby homes and the history of institutional abuse, incarceration and forced separation, there were people who stood up and believed themselves to be good. People enabled these acts to take place, all while these horrors were committed. When the Taoiseach stood up in this Chamber a couple of months ago, apologised on behalf of society and invoked societal complicity as a way of diluting the roles of the church and the State, it was another example. In ten years' time, when we fully realise the implication of allowing this commission to dissolve without first finishing its job, will we say again that society was complicit in this? It was not. It was society that ensured that these documents were retrieved and that the Government was not able to cover up. This is an example of society saying "No" all the way through and the State still forcing its agenda.

We see that through a multitude of forms. In yesterday's edition of *The Irish Times*, one could see a genuinely wrong scenario, whereby a representative of the commission invoked moral and legal authority in talking about these records. The Government is proudly saying these same records have been retrieved and that the commission has done a good job in doing so. A representative of that same commission yesterday gave quotes to *The Irish Times* and invoked moral authority. In this age, when we almost have come to a full realisation of the horrors, we still enabled a powerful person in the State invoke moral authority. There are no grounds for anyone who is a representative of this State to invoke moral authority when trying to further the cover-up of silence in this country. There are no grounds for trust here. We have failed survivors time and time again. Tomorrow, the Government will fail them again when it sits on its hands, does nothing and allows the commission to dissolve. We have no right to ask

for trust.

We are calling for an extension of the commission because its job is not yet finished. There is a further job that needs to be added to that, and that is accountability. Nobody gets to walk away, wash their hands and say their job is done while survivors are being re-traumatised even now.

Deputy Kathleen Funchion: I wish to share time with my colleagues.

Sinn Féin is supporting the motion. I thank Deputy Whitmore and her colleagues in the Social Democrats for bringing this motion to the Dáil today. Deputy Whitmore is passionate about this issue and ensuring that the voices of survivors are at the heart of every decision we make and I am happy to support the motion.

The mother and baby homes commission of investigation was originally due to report in February 2018 but it was not until 3 p.m. on Tuesday, 12 January 2021, nearly three years later, that Ireland and the world first got to read another depressing account of the State and churches' appalling attitudes toward and treatment of women and children. Most of us were aghast at the findings of this report and the cold hard language used to describe the most heartbreaking of stories. I would go as far as to say that I believe this report has made the situation 100 times worse and has retraumatised survivors and done a great disservice to the brave women who came forward.

There are several fundamental reasons the commission of investigation should not be allowed to dissolve. First, it is obvious to all who are in constant contact with survivors that many survivors have not fully read the report. Many people were still only getting copies in the past week or two. That has meant they have not had the opportunity to alert the commission of serious anomalies with their testimonies.

There is also the outstanding issue of accountability around the legality of this commission destroying survivor testimonies. I accept that we have discovered in the eleventh hour that those testimonies can be retrieved but there still has to be a question answered as to why the commission believed it could do that in the first place.

During the course of its work the commission of investigation requested and was granted extension after extension. Reasons cited for the absolute need for these various extensions included the late arrival of documents from the HSE and, worryingly, the inability of the HSE to provide relevant material. Another vague reason was that the commission needed more time to further complete its robust and accurate findings. The last extension was granted due to Covid. At each time, despite many of us and many survivors and their representative groups being disappointed and frustrated at another delay, there was a degree of goodwill on everyone's part as all were united in wanting to see a comprehensive report that truthfully told their harrowing stories.

The importance of personal testimony has shown time and time again throughout history to play a vital role in our understanding and appreciation of the sacrifices made by many people. It is a little ironic that one of the reasons for an extension was there was a delay in documents being given to the commission and now, when there are serious and legitimate questions, there does not seem to be the same appreciation for the need to extend the commission.

Even with what the Minister can do today by agreeing to extend the commission, even if

there was a situation of potential resignations which some have mooted, at least the entity exists and survivors may have a mechanism to amend their testimonies to reflect the reality of what they experienced and not the interpretation of that by the report's authors. I cannot emphasise enough that if the Minister is truly trying to find a resolution and is genuinely committed in this regard, he needs to listen to survivors.

I have drafted a very simple Bill. It is literally one page. That is all that has to be inserted into the legislation to extend the life of the commission and it is very important that it is done.

Yesterday evening, we heard that the back-up tapes had been fine. While I welcome this, why was there a question of them being destroyed in the first place? My colleagues have asked some questions. At a committee last week, Deputy Ward raised the issue of verbatim records versus summaries. Now that we have the backup tapes, there is an opportunity to ensure that everything is taken down verbatim. This is a reason to extend the life of the commission. It would also give people an opportunity to pose questions or to take cases if they wanted.

I feel like a broken record when I say this, but it is not acceptable to say to people constantly that we understand, that we sympathise and that we want to do the right thing only to ignore the opportunity to do the right thing when it presents itself. The commission needs to be extended to give everyone the opportunity to get some justice. Extending it would not right all of the wrongs, but it would be part of what we needed to do. We must deal with the issues of redress, medical cards and access to birth certificates and other records. The importance of this cannot be understated. We also need answers about the report, how it was handled and why it took nearly six years. Looking at it, one can only ask how it took the commission so long to come up with such a disgraceful and whitewashed report.

We support the motion fully.

Deputy John Brady: The mother and baby homes issue stands as a great stain on the history of this State. It has twice made victims of the people who suffered in those institutions, each time at the hands of the State, as victims of abuse and as victims of a cover-up. The Government, which has direct responsibility for the commission, must add its name to the long list of perpetrators who have inflicted suffering on the mothers and children who fell victim to these cruel State institutions.

I am unsure as to whether the Minister speaks to survivors. They speak of the trauma of the past few months and the terrible effect it has had on them. They feel that their truths are being questioned. They feel like they did decades ago, isolated and emotional. They say that the Government's lack of empathy is not helping to close the nightmares that they still experience and that the Government is heartless towards them, survivors who have lost their dignity yet again. They say that a stain has returned to their souls.

Since the publication of the commission's report, survivors have heard sympathetic words from the Government, but they need more than kind words. They require action to address their needs. Ensuring that the survivors can access their birth certificates is a vital first step towards meeting those needs. Through my colleague, Deputy Funchion, Sinn Féin has drafted legislation to make that happen. I hope that the Government will support it. The Government must also immediately act to prevent the mother and baby homes commission from dissolving in four days' time. The Government Deputies who are present today and those who will ultimately make a decision on this matter should take a moment to reflect on how they vote, the impact of

that decision on their personal legacies and, more importantly, how it will impact on survivors and victims. Most people enter politics to do good. The very lucky get to serve in the Oireachtas at a national level. For those who are elected to the Dáil to serve, there are a few notable moments of moral duty that must outweigh all other considerations. This is one of them.

Deputy Pat Buckley: I thank the Social Democrats for tabling this motion. We have been here many times and I cannot believe that this has been going on for five or six years. I have been speaking to survivors. They still have no clarity or trust. Some simple redress has been mentioned a number of times in the Dáil. For four, five, six or seven years, or even since the final report, the Government has had access to the survivors' PPS numbers, addresses and so on. What about giving each of them a simple medical card? Many of them are elderly and have underlying conditions. They are not flush. I have spoken to many who cannot get care, even dental care, which is very expensive. Just give them something that acknowledges their worth to society.

I welcome the fact the Government is not tabling a counter-motion. I ask that for a change in approach, however. We have spoken here so many times about doing the right thing and I ask that on this occasion that we might all be in this together. I certainly believe there is no point in closing the door or walking off the pitch if the match is not over. We have to see it out to the end. That is very important. Sometimes, when we are in here, we find it very difficult to understand the thinking and the nature of the game in politics. Let us not have this as one of the biggest scandals in Irish history. Let us be the ones to set down a marker and do what is right for the survivors. We want to do this in order that it will never happen again. We can do it with the greatest amount of respect and clarity.

Somebody is pulling the strings here. Somebody must have told someone else to get rid of these records. I am surprised that the testimonies were recorded on tape rather than digitally. This is what I have been told and I ask the Minister to correct me if I am wrong, although that is a matter for another day. We are in it together and let us do it together. Let us do it for the people out there and let us never allow this to happen again.

Deputy Martin Browne: I congratulate the Social Democrats on tabling the motion. I will begin by speaking about one survivor who gave her testimony to the commission of investigation. She is one of the survivors who did not recognise her testimony in the written report, she is also one of those whose testimony was said to have been deleted and she is among those who strongly dispute the commission's claim that she was told her testimony would be destroyed. Injustice was visited upon this woman even before she was sent to one of these institutions. I regret to say she continues to be failed to this very day. This lady said that when she read her so-called testimony in the written report, it bore little similarity to what she told the commission. The survivors went to great lengths to put on record their experiences so that the truth that had been purposely hidden could be brought to light. The Minister can understand why, after seeing her testimony so misrepresented, she cannot bring herself to read any more of the report. She states that it has set her back, which is the opposite of what the report was supposed to do. At the time, this lady had the recording of her interview to fall back on if she wanted to correct the record.

The next outrageous chapter in this period of our history begins with the deletion of records with no prior notice to survivors. This has led the woman to whom I refer and many other survivors to believe that they could no longer correct the record. How is this justice? Then we heard that backup files had been found but might not be saved. Last night, the story changed again

with news that the recordings had been retrieved. While this is welcome, it does not do away with the need to extend the term of the commission. We need answers to these fundamental questions. Why were the survivors' testimonies changed in the report and who ordered those changes? Who ordered the original recordings to be deleted and why? Now that the recordings have been retrieved, the survivors must be given access to them and the opportunity to correct the written report. How can they expect to correct the report if the commission no longer exists? How can we possibly allow the commission to misrepresent the testimonies of survivors, attempt to delete any way of correcting the record and then be dissolved without being asked to defend these actions?

The survivors have been strung along and misled ever since the report was published. This must stop now. The commission must not be dissolved before all of these issues are investigated by the DPC and other relevant authorities. I ask the Minister not to step back any further from his commitment. I urge the Government to support the survivors by supporting the motion.

Deputy Denise Mitchell: The mother and baby homes commission was set up six years ago. Its job was to investigate one of the darkest periods in our State's history and provide some closure and a sense of justice to victims and survivors. Six years after the commission's establishment and its final report, it is unacceptable that we are discussing how the State has once again failed survivors. It is disgraceful. The events of recent weeks have re-traumatised survivors and this is not good enough. This commission was supposed to be a line in the sand that would give them closure. Instead, it has traumatised survivors and their families all over again. It is not fair, it did not provide any comfort and it is certainly not what justice should look like.

We need emergency legislation to extend the term of the mother and baby homes commission before it ends on Sunday. The fact that tapes containing testimonies were deleted hurt survivors who were already severely traumatised by our State. That is simply shameful. The term of the commission has to be extended. Despite the Minister's announcement yesterday that the audio tapes have been located, there is still too much uncertainty surrounding this matter. All survivors must be comfortable before the commission is dissolved. What happened is not acceptable, and people want answers. If the Minister does not act now, his legacy will be that he let this happen and let survivors and victims down again. The term of the commission has to be extended if the Government is to have any shred of integrity left come Monday. I ask the Minister to do the right thing by the victims and survivors.

Deputy Patricia Ryan: I also thank the Social Democrats for bringing this motion before the House. In chapter 10 of the commission's report, which deals with county homes, there is a reference to an inspection report from 1952 which noted that 20 of the 34 children in the Kildare county home were members of families admitted because of a failure to procure accommodation or other temporary cessation of home life. Almost 70 years later, we have many more children spread throughout the county and the country who are in emergency accommodation because of the failure of successive Governments to build public homes on public land.

We are overly reliant on private landlords to solve our housing crisis, with a housing assistance payment system that is clearly not fit for purpose. Families in Kildare who are fleeing domestic violence are being temporarily accommodated in County Louth because of a lack of capacity in Kildare. I have no doubt future Governments will be apologising to these children if we do not make a real effort to improve their situation.

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I welcome the fact that the mayor and chief executive of Kildare County Council earlier this week apologised for the council's role in this sad and sorry story. Last week I spoke to a man whose family had been sentenced - they were sentenced - to a spell in an industrial school. Their crime was that their mother died when he was three years of age and his father was a working man. He was found in the care of his oldest sister by the National Society for the Prevention of Cruelty to Children - he called them the cruelty people. To this day he presumes that he still has a criminal record. Why would he have a criminal record? Is it because his mother died? He was one of the lucky ones. His aunt was able to take him home after she discovered him with two black eyes during a visit. His sister was not so lucky, unfortunately, and spent her childhood in an industrial school. After a short spell of freedom, she spent the rest of her days in various psychiatric institutions. While in the care of the State, she had a number of children despite not having the capacity to consent to sex. We need an inquiry into the care of people in these institutions. Her family needs answers, and I am looking for answers in respect of this case.

The Minister stated that he understands people are angry. I do not think he understands how angry they are.

Deputy Réada Cronin: In Irish, a kite is called a *préachán ceirteach*. With the GDPR and the commission, the State has taken murders of paper crowns and flown them sky high. The recordings, once lost, have been found. That is just amazing because the Government is still blind to how it must be accountable to survivors, the Dáil, the people, humanity and decency and what it means to have survived mother and baby homes. With its kite-flying in respect of the recordings and miracle finds, the only thing that separates the Government of the mother and baby homes era and the current Government is the passage of time. There has been no change. Today, the face of the State is as brazen, cynical and pitiless as ever. We have had enough of the patriarchy, the old and the new, and its willing defenders of the *status quo*. The survivors must have access to the recordings and be able to check them against the commission's findings.

I commend Deputy Whitmore on bring forward the motion.

11 o'clock

The State respects the survivors in words only. Nobody in the commission sent them a copy of this unwieldy report. They were told to get it online, while their suffering was reduced to the usable content of a video at publication. It really was disgusting.

Elements in the Green Party learn quickly that it is all about the optics all the time, but the Minister still has a chance to give the survivors accountability. If he does not extend the term of commission and if we do not write the mother and baby homes into our history books, where they can be studied and contained, we will pay the price. As a State, we all live the trauma in every family and generation, with the pain, dysfunction, the named and the unnamed filling the spaces left in our families and society. The Minister simply must extend the term of the commission. For the first time in history, let this State explore what accountability looks like. Take down the kites and the paper crowns and give the survivors what they need.

Deputy Sean Sherlock: I move amendment No. 1:

To insert the following after "scope and jurisdiction":

“— issue an enhanced medical card to all survivors who presented to ‘Mother and

Baby Homes’ for any length of time, including while pregnant or on a post-natal basis.”

I support the motion. We welcome the motion and the fact that the Government is not opposing it, nor the proposed amendments, I assume, and the Labour Party proposal to extend access to the medical card to applicants. I will speak on that momentarily, but I welcome the fact that the Government is not opposing it. The issue of the status of the motion then arises. The motion seeks to extend the life of the commission. If the Government is not opposing it, does it follow that the life of the commission will be extended? I do not believe that is the case because the Minister’s remarks thus far suggest otherwise.

I wish to speak on the issue of data protection because there are some elements of this that are unclear in my mind. On 11 February, the Minister wrote to the clerk of the Joint Committee on Children, Disability, Equality and Integration. I am a member of that committee. The Minister quoted from the commission’s final report with regard to the conduct of the confidential committee. He said that witnesses were asked for permission to record their evidence on the clear understanding that the recordings would be used only as an *aide-memoire*, and that all such recordings were destroyed after the report was added to the confidential committee electronic repository of information. If we fast forward to today, we now know that the information is available. It has been retrieved, and that is a fact.

As I understand it, the Minister will become the data controller for that information. However, there is something I cannot reconcile in my mind. If it was the understanding of the confidential committee testimony takers, evidence takers or whatever expression one wishes to use and of the commission that the evidence would be destroyed, if the Minister is co-ordinating with the DPC and if the Murphy commission is saying that it is handing over to the Minister data which it has already processed and if that information was used for a specific purpose - I use the expression “specific purpose” because it has a legal meaning for the purposes of the commission’s work - what is the status of that data if the Minister becomes the controller of the data and if the DPC reports that it was used once for a specific purpose and that it was understood that it would be destroyed? Now the Minister will become the controller of that data and it can be used again for subject access requests. That is the question.

I apologise if I do not fully understand the process, but if the DPC decides that it was already used for a specific purpose, does it then follow that it must be destroyed under the terms of reference of the commission as already articulated by the Minister to the committee? That is the question on our minds. This issue would not have arisen if people felt their narratives, stories and histories were adequately and properly reflected in the report. So great was the damage done by inaccurately reflecting the trauma of people that we have now reached the point where this House is calling for an extension to the commission’s remit to deal with the matter. Someone somewhere made a hames of this and the buck now stops with the Minister. Short of the commission being reconstituted, the responsibility on him is to create a process that will give justice to and correct the narrative of those who feel rightly aggrieved by the fact that their stories were not adequately reflected in the final report. A great injury has been done to them.

The Minister stated:

The commission states that consent was given by 549 of the 550 witnesses to the use of an audio device and the subsequent deletion of the recordings. For clarity, the final witness, who objected to their testimony being recorded, was not recorded.

I am fascinated by that statement. Does it not make liars of the many people who feel they were never told that all of this was being recorded? We need to delve into that further because the question of consent has become a major issue. There are people who in their minds rightly feel they did not give such a consent. How do we reconcile that and why was it not reflected in the Minister's speech?

As I said at the recent committee hearings, and will continue to say, in the absence of the re-constitution of the commission, a mechanism must be found to ensure the narrative is corrected so that people can get some restitution of justice for their time and the pain they went through when they were telling their stories. If the Minister does not do that, I respectfully say that any other legislation or issue related to redress will be tainted because how will any survivor be able to trust or buy into any process until the matter of narrative has been adequately addressed? I ask the Minister to take that on board. If he does so and deals with the matter full on, he will go a long way towards repairing the damage that was done by the use of the cold language, to use his expression, that is in this report.

The Minister must deal with the issue of medical cards. The inclusion of a criterion that people must have spent six months in a home is cruel. I am sure Ministers will look at this again. Professor Louise Kenny, an eminent person, produced a report based on her examination of the death certificates of all 816 babies who died in the Bessborough mother and baby home. Extrapolating from the evidence adduced from these death certificates, it is possible to draw up a list of conditions - gynaecological-related issues - affecting those who gave birth and are still alive. There is enough evidence for medical cards to be issued forthwith. The criteria should be that if one went in at 35 weeks, 36 weeks or whatever, that is the starting period. If one spent any period in the-----

An Leas-Cheann Comhairle: I appreciate Deputy's interest in the topic but we are out of time. We will be in trouble in terms of the time for Leaders' Questions.

Deputy Bríd Smith: I will be sharing time. I thank the Social Democrats for tabling the motion. I will start by talking about something that came to my attention last weekend. The building used by the mother and baby homes commission for its work has a granite plaque outside it with a small seabird known as the turnstone carved into it. The turnstone pokes its beak down and overturns stones, hence the name. The point of the plaque being there is that the building was once used as the headquarters of the Health Research Board and at the heart of any good research is the fact that no stone will be left unturned, and hence the relationship with the little turnstone. What has happened with this Commission of Investigation into Mother and Baby Homes is that many stones have been left unturned but in addition there has been an attempt to pour a pile of concrete on top of the truth. The Minister has been at the centre of controversy for almost the past five months because of the way the commission has both done its work and the report it has given us. I want to read an extract from a petition signed by hundreds of academics, lawyers, etc. It states:

We the undersigned note that the information gathered by the Commission of Inquiry is of immense importance, most especially the 500 survivor testimonies collected. However, the ensuing report is in no way the final word on the experiences of thousands of women and children who passed through Ireland's institutional architecture in the 20th century, and falls very far short of existing research in the field. Future research must endeavour to understand the full extent of the systemic discrimination against women which enabled this system of institutional harm, and continues to influence Ireland's policies today.

A couple of weeks after the Commission of Investigation into Mother and Baby Homes published its report, a similar report was published by the assembly at Stormont but this was done quite differently. The latter report's conclusions were very different but the research methods used - going back to the turnstone and leaving no stone unturned - were quite different. The testimonies taken from women in Northern Ireland were used as evidence. The researchers involved were able to reach their conclusions once there were two or more similar testimonies. We have 550 recorded testimonies, many of which are very similar on the question of forced adoption, forced detention, abuse and the lack of supports. There are so many of these testimonies, given by many women, but the commission decided there is no evidence of that to which I refer. The commission used very different methodology from that used in Northern Ireland.

The conclusions from the investigations in the North are that there are questions to be answered. I believe there are still major questions to be answered here. We need to look at open access to all the records, including those still in church or religious control, relating to mother and baby homes and their management. We need the exhumation and the reburial of all the infants whose deaths went unrecorded and whose bodies are littered across the country, not just in Tuam and Bon Secours but also in Sean Ross Abbey and at many more locations at which an unknown number of dead babies are buried. No one knows who they are. That matter needs to be dealt with. I repeat the call that the locations at which they are buried are crime scenes and should be dealt with as such.

We need proper redress. At the heart of that redress must be the survivors themselves. I am not referring to the sort of redress that was given for the institutional abuse in the industrial schools or the Magdalen laundries; it must be redress that really matters, that takes everybody into consideration and that ensures that no stone is left unturned and that nobody is left behind. If the Minister can do anything, he has the power to do that in the coming months and years.

Deputy Mick Barry: The mother and baby homes commission was ostensibly established to seek out truths and it should have been a help to survivors. To be clear, if the Government shoots down this motion and if it closes down the commission in four days' time, it will be doing it in the teeth of opposition from the very survivors the commission was meant to be helping. Sitting around the Cabinet table today discussing plans to defeat this motion and to finish the work of the commission in four days' time are Fianna Fáil and Fine Gael Ministers but also Green Party Ministers. Are the Green Party Ministers going to betray survivors on this issue?

Survivors have been treated horribly by the church over decades. They have been treated horribly over decades by the State. To close the commission in these circumstances in four days' time would be to add insult to injury. The term of the commission must be extended. The questions that have been asked must be answered. That includes a new question, namely, how did these files come to be disposed of in the way they were? When, hopefully, the commission is extended survivors must be brought into the heart of the decision making processes around all of these issues.

Deputy Paul Murphy: The mother and baby homes report has not only failed to address the concerns of survivors, in many respects it has made the situation worse. If it was not for the outpouring of anger from survivors, the Government would have gone along with the plans to destroy their testimonies. I welcome the U-turn on the part of the Government and its promise not to destroy those recordings. The survivors need more than that, however. When the mother and baby homes commission put out the appeal, 549 brave witnesses came forward to share their stories about these detention centres. Three hundred and four were mothers who were sent

to them and 228 were people who were born in them. They shared their stories hoping to shine a light on the brutality and exploitation in those centres but then the report came out which ignored and undermined much of their testimony, stating that it was not evidence and whitewashing issues like the forced adoptions which took place. This entire report is yet another failure of those survivors.

The mother and baby homes survivors deserve the truth but, moreover, they deserve justice and redress. Those who bear particular responsibility for those centres, particularly the religious orders who ran them, should be made to pay for what they did. The Bon Secours Sisters ran the Tuam home. That order is now the second largest provider of private healthcare in the State, with revenue in 2019 of €314 million, including €5 million in public funding. In 2019, the HSE gave out more than €1.3 billion in funding to services owned by five religious orders. In 2021, well over 90% of primary schools and a large majority of secondary schools remain under the control of the Catholic Church. Rather than giving them a slap on the wrist and a packet of public money, we should be seizing the assets of those religious orders to fund proper redress for their victims and fully separating church and State once and for all.

Deputy Seán Canney: I welcome the opportunity to speak on this very important topic. Again, we have put the survivors at the centre of attention nationally for the wrong reasons and poured more pain onto them. In terms of the amount of correspondence I have had on this issue in the past two weeks, it is the single biggest issue that has come to my office in a long time.

It is important that we stop and think about what we are actually doing. I welcome the motion put down by the Social Democrats. I welcome the fact that the Government is not opposing the motion. However, we need to hear from the Government what it is going to do about the matter. First, is it going to make sure that the term of the commission will be extended? Second, in terms of the records that rightfully belong to these witnesses who bravely came forward, will the Government ensure that they will have access to them? Will that be done clearly and unambiguously? I understand we have made a very complicated matter more complicated and the idea that we are introducing legislation to do this, that and the other is of no comfort or consolation to the survivors. It is of no consolation to their families, who have seen them tormented for years, and apparently continuing to be tormented by the Government. We need to stop it and ensure these people are put centre stage.

I support the motion but we must also ensure we are not just talking about this matter. The time for talking is over and we need to see the survivors and families put centre stage. We can do it and we have the power to do it. We can say “No” if we do not want to do it and we can give reasons we cannot do it. If we have a will, a way will be found. I plead with the Minister and the Government to stand up for survivors once and for all to ensure these are the people who benefit from any decisions we make. We must not torment them any further. I also support the Labour Party provision relating to enhanced medical cards for all, which has been called for repeatedly. I ask the Government to do this and little will convince me otherwise until I see that done. The Government has an opportunity and I fervently ask the Minister to take it and ensure it does something for the survivors.

This is a very emotional subject for people and we keep talking about it but the time for action has come. Today is the Minister’s day. He must extend the life of the commission as there is much that it still has to deal with. I ask him to extend it and to ensure the survivors are heard, their rights are protected and their records given to the commission - their property - are also protected and given back to them. It is their right and their property. The laws are there.

Amnesty International and the Irish Council for Civil Liberties have asked for the commission of investigation to be extended and for the survivors to be put centre stage. I am pleading with the Minister to take this on board and not just say he is not opposing this while he does nothing about it. I want action to be taken.

Deputy Noel Grealish: The commission's report is a reminder to us all of how vulnerable people are often removed from society. I grew up 20 miles from the home in Tuam, which Ms Catherine Corless told us about in 2014 and which prompted this investigation into the homes. These homes were scattered throughout the country, that is, all Thirty-two Counties. As the church did not see any borders, children were trafficked North to South and on to adoption in Catholic families. Children in Protestant homes in the State were treated equally badly by the powers that be at the time. They endured forced separation from their mothers and even today, due to how the law stands, many cannot find basic information that we take for granted.

The Tuam Mother and Baby Home Alliance approached me some years ago and I was only too happy to be able to help access various supports to allow for quality of life in the years to which people often look forward. I am aware of the news that emerged yesterday that back-up tapes of the interviews with survivors have been retrieved and many survivors are waiting to hear what the outcome of this latest development will be and what final decision will be made on these recordings. I acknowledge the tremendous work done by the Minister, Deputy O'Gorman, in the past number of months, as this is a problem he inherited from previous Governments.

The commission's report contradicts survivor accounts. Survivors have lost trust and this House must respond to that. We have not got the answers but, like my colleagues, I feel we must listen to survivors and speak for them. It is for that reason I am supporting the motion put forward by the Social Democrats for an extension to the lifetime of the commission. I take this opportunity to acknowledge the work of Ms Breeda Murphy in supporting the survivors through the Tuam Mother and Baby Home Alliance. She has been a tremendous advocate for the survivors in helping them access supports and advocating on their behalf for many years.

In closing, I urge the Minister to do right by these people. He should not delay the legislation on burials or adoption and tracing. He should put in place the DNA database that was promised in order that families can be matched with deceased children when remains are recovered. We owe them that and much more.

Deputy Mattie McGrath: I support the Social Democrats motion. I am a bit perplexed by the actions of the Government. We know there were rumblings on the backbenches about opposing this motion and some Members were uneasy about that but now we seem to have a typical split decision as the Government is not opposing the motion but is not extending the time for the commission either.

I was interested to hear Mrs. Justice Catherine McGuinness, a retired judge, explain yesterday on the radio how members of the commission should have no issue coming before an Oireachtas committee. We need to get to the bottom of this for the sanity, health and welfare of the victims who are still alive and their families. I salute the brave victims, some of whom came before Tipperary County Council recently when it had a full meeting on this matter. It happened in every county and the practice was endemic in society. We need to draw a line under it.

The Taoiseach came in and was the second or third holder of that office to make an apology

on this and be emotional and everything else. That does not cut it when we see the volume of mail we get in constituency offices. We could find no other mail because we have been flooded over the past number of weeks with passionate pleas to extend the time of the commission. What is the point of having a commission with recorded testimonies when these are destroyed? I note we have been told this week that some or all of the tapes might be retrieved, as they should be. There is enough trick-of-the-loop going on here and this is a typical act of this ham-fisted coalition Government of three parties supported by some Independents. It is saying it will not extend the time for the commission but it will not oppose the motion. We had a vote here recently on a forestry Bill and I was one of the few people to vote against it but that legislation has made things worse. I am not comparing the forestry provisions with this serious matter but it demonstrates that we have a feeble and inept Government. This fumbling or bumbling to keep backbenchers on board is not good enough. The survivors now need tangible supports and closure on this matter.

Deputy Michael Healy-Rae: I thank the Social Democrats for bringing forward this very important motion. It is important that we discuss it here and support the Social Democrats in what its members are trying to achieve. They are seeking fairness and fair play, with a proper listening process for victims and their families, who have been the subject of the commission's work. Extensions have already been given but the events of recent months have put a big question mark over the process, with the disappearance and reappearance of files and records. All people want is the truth and to know what happened and how it happened. They want records and a determination of culpability. They want the truth and they are entitled to it. It would be very neglectful of any person not to support this excellent motion before the House today. It is seeking something honest and straightforward.

For God's sake, will the Government come off the fence on this? Its members should stop saying one thing on the radio and something else in the Dáil. There are mixed messages being sent out by the Government. Sometimes it gets things wrong and very wrong but why not accept what is being sought here? Give the extension of time. It is the right and honourable thing to do. Will the Minister agree with the context and content of the motion to allow the victims to get what they want, which is justice, honesty and fair play?

Deputy Michael Collins: We need to extend the lifetime of the mother and baby homes commission and I support the motion put forward by the Social Democrats. By winding down the mother and baby homes commission now, we would, in effect, prevent the carrying out of full investigations, leaving remaining questions unanswered. We need to buy more time for the survivors in their search for truth and justice. Last Thursday, it was confirmed that the recovery files, which could contain the 550 deleted recordings of witness testimony, had been found. These files were supposedly destroyed, then all of a sudden, a backup was discovered. They should be handed over to the Minister's Department to be forensically examined. The Minister immediately responded and asked that more information be provided within in 24 hours, according to weekend media reports. However, the information was not made available to the Minister within the requested time window. That, in itself, raises serious questions of both the Minister and the commission. Why did the Minister not act with greater urgency? Why did he simply issue a letter to the commission? Could the Minister not lift the phone or arrange a meeting to get to the bottom of this scandal? Could a team of top officials not be dispatched? The survivors deserve answers and the extension of the life of this commission may, at the very least, prove helpful in keeping the commission accountable.

Surely the Minister should be much more concerned about the fact that the witness testimo-

nies were deleted, and that if the commission is dissolved on 28 February, no responsible entity will be held accountable or will be available to answer questions. Like every other Deputy, my office is inundated with emails, calls and messages from constituents, some of whom are survivors of the mother and baby homes. They need this commission to continue and access to their own information. It is time that this Government stopped playing cat and mouse with this issue and did the right thing.

The Minister has said that he is not opposing the motion. That is absolutely scandalous. By not allowing the life of the commission to be extended, he is opposing the motion. He should be honest and straight about it. He is not fooling the people. They are well aware of the games he is playing. He should be straight about it. He is opposing the motion but he cannot come out straight and do it. The Government's Deputies have it cornered and he cannot come out straight and do it. He has treated the people disgracefully.

Deputy Danny Healy-Rae: I am glad to have the opportunity to speak on this very important matter. I thank the Social Democrats for bringing the motion before the House. I support it.

People around the country are outraged at the Government and what it is doing, and has done over the past number of months, to the survivors. First, it tried to lock away the records for 30 years. What is it trying to hide? Why is it blackguarding these poor people who have been through hell on earth as it is, and have come this far? Many of them did not survive at all. Why is it doing this to these people? The Minister has been dishonest by saying that he is not opposing motion, but he will still not extend the life of the commission. The life of the commission was extended a number of times before. Why can the Minister not do it once again? We are close to revelations being made and getting to the truth. The Government does not want the truth to come out. Why is it blackguarding these people?

These people are entitled to know who they are, where they came from and who their mothers and grandmothers were, like the rest of us. It is natural for us to know who we are and who came before us. The Minister is being very unfair in this. Once again, the Government is showing its dishonesty towards the people. Even people who are not involved are outraged by what the Government is doing. It is very unfair. I call on the Minister to extend the life of the commission and to give the survivors the information that they want. They are surely entitled to it. It is a human matter. These people should be treated fairly. The Minister should not blackguard them, as he has for the past number of months. We fought the Government hard here in the House on the locking away of the files for 30 years. The Government stuck together and voted the motion down and then the following day said that was not what it was doing at all. The Minister is not coddling the people-----

Acting Chairman (Deputy Jennifer Murnane O'Connor): Thank you, Deputy. Your time is up.

Deputy Joan Collins: First, I thank Deputy Whitmore and the Social Democrats for bringing this Private Members' motion to the Dáil. Like every Deputy here, I have received hundreds of emails from survivors in respect of the report of the Mother and Baby Homes Commission of Investigation. There is a common thread in the emails I have received, the conversations I have had with survivors and those I have heard speaking on the radio. To say that there is extreme disappointment with the report, is an understatement. It is an appalling situation that a commission which could have gone some way to help heal the trauma of those who suffered, has simply now added insult to injury.

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The findings of the report are strenuously contested by those who gave evidence to the commission. For example, the following findings are contested: that the institutions involved provided a refuge; that there is no evidence that women were forced into them and were free to leave; that there is very little evidence that children were forcibly taken from their mothers; that there is no evidence of the denial of pain relief during labour; no evidence of discrimination against mixed race children or those with disabilities; no evidence of injury to children in vaccine trials; that criticism of Tusla in respect of the provision information and tracing is “unfair and misplaced”; and that Diocesan records and those of religious orders are their property, and they have the right to decide on who accesses them. In cases where mothers were in institutions when their babies died, the report states that “it is possible that [she] knew the burial arrangements or would have been told if [she] asked”.

These statements and findings in the report are incredible. They come nowhere near the truth of what happened, what these institutions were for and the experience of those who went through the horror of incarceration in them. Further, the survivors who gave evidence found that recordings of their testimonies had been destroyed. They were told that transcripts were made from the audio and tape recordings were wiped. At a stroke, the ability of those who gave evidence to refute erroneous accounts of their testimonies was eliminated. It was outrageous and very possibly a criminal offence. The destruction of evidence breaches sections 31 and 43 of the Commissions of Investigation Act 2004. The Irish Council for Civil Liberties has also made the point that the action breached GDPR legislation. It supports the extension of the commission beyond 28 February.

All evidence should be transferred to the relevant Minister. The destruction of evidence dates back to October 2020. Why did the Minister not act immediately, and not four months after the report was issued to him? The Minister, his Department and the commission have been forced to find the testimonies, only through huge pressure, activity and people power. These so-called “disaster files” must first be accessed by witnesses who want them. It must be confirmed by the witnesses that the files are the testimonies that they gave and if not witnesses must be able to find out why. That cannot be done in three days. The Minister must act, and the commission must be extended beyond 28 February.

Full access to the entire archive of files in the commission by those affected must be given. The Minister must legislate to provide unconditional access to birth certificates for adopted people. It is not too late to salvage something from this debacle and to give survivors and their adopted children the right to the truth, to which they are entitled under international and EU law. I ask the Minister to stop the re-traumatisation of survivors and to extend the life of the commission. He should at least give some trust back to the survivors who have been re-traumatised over the past 50, 60 and 80 years.

Deputy Catherine Connolly: I thank the Social Democrats for using their time to put the spotlight on this topic. We need more than a spotlight. Continued light must be shone on it through the democratic process of Deputies asking questions and getting answers. I am afraid that I am not reassured by the Minister. I have a difficulty when things are personalised, but something somewhere is very wrong in the Minister’s Department. Looking at his speech, the term “weasel words” comes to mind - absolute weasel words. We deserve more than that, but those who went forward and took their courage in their hands deserve much more than that.

I have checked and I raised this matter on 4 February, 10 February, 11 February and 17 February. I was told that the evidence was gone. Why was it gone? To protect people’s confi-

dentiality. That was a terrible reply. As the Minister well knows, people's confidentiality can be protected in many ways. Indeed, of the approximately 550 people who came forward, only a small group - I believe it was 60 - asked for their anonymity to be to the fore. That tells us that overwhelmingly, people came forward and asked for their stories to be published and for people to listen to them. Not alone were those stories not published but lies were told. I use that word very advisedly. Lies were told that the evidence was destroyed. Now we find out, at the last minute, that it was not destroyed. That in itself raises questions about the whole issue of trust around this process. If a commission of inquiry tells us on page 11 of its confidential report that the evidence was destroyed and it turns out there are backup tapes that it did not tell us about, that brings the whole trust aspect into question. The Minister has not mentioned that today. It is pretty serious that we were told on page 11 of the report, in patronising, patriarchal language, that this was being done for the good of the survivors.

The Minister used weasel words in saying he will not oppose the motion. What is he proposing to do? Will he extend the term of the commission for the time necessary? I am not sure I understand the sentiment behind what he is saying. An extension of a year is not necessary. I am firmly of the belief that a commission of inquiry is independent, but this is beyond the issue of independence. There are serious, practical questions to be answered. How is it that we were told the evidence was destroyed and then told it was not destroyed? On what legal basis was that done and how much time is necessary to address it? Is the Minister happy to step into the shoes of the commission, as the most important person in the Government in this matter, if there is a judicial review? Will he clarify that for us? Will he clarify when the transcripts will be written up from the tapes, by whom that will be done and when they will be available?

Those are the two issues I want to see addressed. First, there must be a body there that can be the subject of a judicial review, notwithstanding how difficult such a review is to initiate for ordinary people. I ask the Minister to take his courage in his hands and clarify that today. It is not what I deserve; it is what the people deserve. Second, when will the testimonies be written out and the transcripts made available? When will the report on the St. Patrick's Guild home be published? When will the Minister tell us the result of his investigation into the leak of the report? When will he tell us whether everybody who has asked for a copy of the report has received one? When will the report go to the libraries? How can he ask people to rectify their testimony if, first, they do not have a copy of the report and, second, they do not have a copy of the transcript of the recording? For God's sake - again, I am using the word "God" - it is clear that we have a person or a group of people in the Department telling people what is best and not learning anything at all. It is the Minister's role to take charge in this matter, unfortunately or perhaps fortunately. He might embrace that role and begin to lead. I have told him before that he will have my full support if he leads. What he is doing is not leading. We are hearing weasel words again, the same weasel words that were used in the report.

I conclude by referring to an interview I heard yesterday with a former Supreme Court judge relating to an article in *The Irish Times* the previous day. The content of it shocked me to my core and I thought I was old enough not to be shocked. The content of that newspaper report is truly shocking. It is clear that the troops have been rounded up and the boys' club is in operation. Unfortunately, on this occasion, there are also women in the boys' club protecting what should not be protected.

Minister of State at the Department of Children, Equality, Disability, Integration and Youth (Deputy Anne Rabbitte): I thank Deputies for their contributions to this debate. The motion put forward by the Social Democrats outlines why they believe that an extension to the

term of the commission is necessary. Their proposal is “to extend the term of the Commission for another 12 months... to facilitate a review... into the destruction of the recordings and allow for any potential salvage of remaining testimony”. It is positive, for some, that this extension does not need to happen now because the resulting outcome has already been met. The tapes and the stories they contain have been found.

However, this development raises issues. A total of 80 people have already come forward to request that their recordings be redacted. They say they only engaged with the commission because they believed their stories would not be made public and the tapes would be destroyed to protect their privacy. The motion brought forward today states that “many survivors have refuted the Commission’s claim that permission was sought from witnesses regarding the destruction of their testimonies”. There is no mention, however, of the many other survivors who state that they engaged solely on the basis that their testimonies would be redacted.

I spoke to a woman called Sheila last night. Deputies may know her because she stood outside Leinster House for the past four years and spoke to us as we went into the House to deal with the different motions that came before us. She told Members that she wanted her story to be heard, her pain to be removed and for the Government to make amends. I spoke to representatives of Aontas yesterday who told me that they do not want the term of the commission extended. They want us to start the information and tracing process and to begin looking at the burials legislation. I spoke to Pat and Liam, representatives of the Tuam Mother and Baby Home Alliance, to which Deputy Grealish referred, who told me that members of their group want access to their medical cards. They do not want the term of the commission to be extended; they want access to information and supports. Sheila told me that she has not been contacted by any member of the Opposition. She rang me because she is terrified that the term of the commission will be extended. She pointed out that she and her fellow survivors are getting older and that extending the term would mean that, yet again, she will be left waiting for redress, reparations and closure.

I am not putting the cohort of survivors to whom I have spoken up against the cohort to whom the Opposition has spoken. I am telling the story of Sheila only to highlight the fact that survivors of mother and baby homes are not one homogenous group. They do not have one grand need or want from the Government. Each of them has his or her own experiences and needs. I know this and Members opposite know this. For anyone to bunch survivors together once again for questionable political gains, with catchy hashtags and headline-grabbing sound bites, is disheartening. Nobody should be trying to utilise or weaponise survivors’ trauma for their own gain, whether in politics, academia or otherwise. As a Parliament, and as a society, we can and must do better. Survivors deserve that and society as a whole deserves it.

I am always happy to sit across from the Opposition. When I was in opposition, I was happy to sit across from the Government. I am happy to debate, criticise, be challenged and held to account. However, on this issue, it is not fair for the Opposition to cast government in the role of some kind of villain. Since I was first elected to this Chamber, I have always wanted justice for mother and baby home survivors. That has not and will not change. The Minister, Deputy O’Gorman, and my other colleagues in government have always focused on the concerns of survivors. He has successfully engaged with the commission and secured the audio recordings of the confidential committee.

The fact that those recordings were destroyed and then, apparently, not destroyed is like something out of an episode of “Father Ted”. The content of the tapes should always have

been treated as sacred. If I were to track an IKEA delivery to my home in east Galway, I would know how it was progressing, bit by bit, all the way along. The same should have happened with these files. They should have been minded like the most precious items. Only for the Minister's continuous engagement with them, they would have been destroyed. That is why I am relieved that he will become the data controller of the records from 28 February. He can then provide an avenue for those who consented to the recording of their interview to seek access to their personal data. He can also ensure that those who want their testimonies redacted have that right.

We need to learn from this issue and consider how commissions of investigations operate. It is not right or proper that survivors have their trust in institutions shaken yet again. The Government has accepted the commission's report and recommendations and has responded with a commitment to introduce a strategic action plan spanning 22 ambitious actions. Initial work is already under way on that plan and in respect of many of the actions. Access to birth and early life information, including one's birth certificate, is a fundamental issue and a top priority for the Government. Officials in the Department of Children, Equality, Disability, Integration and Youth are working with the Office of the Attorney General to advance information and tracing legislation, with a view to having heads of Bill ready by the end of March or early April.

The Government has also committed to a scheme of restorative recognition and has established an interdepartmental group, IDG, to support that work. The group held its first meeting on 4 February, will hold its second meeting tomorrow and will report back to the Minister by the end of April. It has been asked to develop detailed proposals for a restorative recognition scheme. Its work must take account of the specific groups identified by the commission but is not limited to those groups. This work will be underpinned by a human rights focus and informed by strong stakeholder consultation and an understanding of the criticisms that were made of previous commissions and schemes.

Restorative recognition is about more than just financial compensation. One strand of the scheme will involve the provision of an enhanced medical card, similar to that provided to former residents of Magdalen laundries, and the IDG proposals will encompass this element. In the immediate term, counselling services are available for all former residents through the national counselling service of the HSE. This includes telephone and face-to-face counselling through an established nationwide network of counselling locations. All former residents will have access to a patient advocacy liaison support service. In addition, a targeted programme of health research will be undertaken to assist and inform the development of future service provision for former residents. Preparatory work on this research study has begun.

The overarching theme for all this work is a commitment to progressing it in a survivor-centred manner, characterised by continuous engagement with former residents and their representative groups, as well as survivors living overseas. This can happen only through a radically enhanced model of engagement of the scale necessary to support the many voices and perspectives in this space. The Minister is committed to establishing such a model, following consultation, and has met with the collaborative forum twice in the past two weeks to discuss this and other issues.

We have approached today's debate with the survivor at the centre of our considerations. The focus of the debate has been on seeking to engage on the concerns raised by survivors regarding the audio recordings. This focus has resulted in a positive outcome. Responding to the needs and wishes of survivors will be paramount as we focus on delivering on the Govern-

ment's response to the commission's report.

Deputy Cian O'Callaghan: I thank my colleague, Deputy Whitmore, for her work on this motion. I thank all the contributors today.

First, I want to address some of the comments made by the Minister. He talked of full compliance with the requirements of the DPC. If there is to be full compliance, it is important that the Mother and Baby Homes Commission of Investigation be extended so the DPC can carry out an investigation. If the Mother and Baby Homes Commission of Investigation is not extended, there cannot be full compliance with the requirements of the DPC. This is an important point the Minister has not addressed.

Second, the Minister said it is not clear what the practical reasons for extending the term of the Mother and Baby Homes Commission of Investigation are. In this regard, I must ask whether he has been listening to survivors? If he had been, he would be fully aware of the practical reasons for extending the commission. One reason is so the DPC can continue its investigation. Another is so that, where testimonies are not recoverable, survivors can seek a remedy under GDPR, as required by EU law. Yet another is that if survivors wish to seek a judicial review, they will be able to do so. They are entitled to this, and they are entitled to challenge the narrative of the report that contradicts the testimonies of many survivors.

Are we to understand from the Minister's comments that the Government, although not opposing this motion, will not extend the term of the commission? If so, that diminishes this Dáil. It will diminish our democracy if the Government does not oppose a vote in the Dáil in favour of the extension of the commission and then ignores that vote. That would not be acceptable. It would diminish both this Dáil and the wishes of survivors. Issuing apologies to survivors and then failing to act diminishes those apologies. Meaning must be given to apologies through actions.

After everything that has happened, survivors of mother and baby homes are still not being listened to. They are still being denied their right to their own information and data. Let us be very clear: survivors of mother and baby homes were not sent a copy of their evidence to check it for accuracy before the commission wrote its report. Survivors who were subject to gross and systematic human rights violations were not allowed to have a copy of their evidence and testimony to check whether they were recorded accurately. They did not have any access to the evidence coming in from institutions run by the State and church and were not given an opportunity to challenge it. Requests for public hearings were refused. Survivors are still being denied access to their own information and their own family files. There is simply no excuse for not giving people access to their birth certificates. People have a right to their identity.

At times, the commission's report reads as if the testimonies of survivors have not been heard. The executive summary of the report states there is no evidence that women were forced to enter mother and baby homes by the church or State authorities, yet the commission had testimonies from survivors indicating they were brought to mother and baby homes by gardaí. There is testimony recounting the involvement of social workers and judges. How is it possible, after everything that happened, that the commission could have drawn its conclusion in this regard? How could it not have heard and believed the testimonies of the survivors?

Furthermore, as my colleagues, Deputies Whitmore and Gannon, have said, the recommendations in the report state that survivors were not incarcerated, yet the commission had testimo-

nies from survivors to the effect that they were locked into institutions and unable to escape, and also testimonies about girls and women who ran away but who were found and brought back against their will by gardaí. Did the commission not hear the survivors on this? It is absolutely reasonable that the commission, or any commission, be subjected to reasoned scrutiny, criticism and calls for accountability. The motion to extend the term of the commission by a year is about accountability. It is about survivors being heard. It is about survivors being given the time to question and challenge a narrative that has been foisted on them yet again by official Ireland - a narrative that does not speak truth to the reality of what survivors have lived through.

It is not good enough for the Minister to state that he cannot see any reason to extend the term of the commission. It is not good enough for the Government to issue apologies to survivors and then not to listen to them. It is not good enough for the Government to stand over this report or to remain silent on a report that does not reflect the testimonies and lived experience of survivors.

Deputy Jennifer Whitmore: I thank all the Members who spoke in support of our motion. I thank the survivors and survivor groups for all their efforts and for all the work they have done. Yet again, they have had to fight, agitate and campaign for rights every single one of us should enjoy in this country. Those of us in this Chamber have those rights while the survivors are left to fight for theirs. I refer to their right to their own information, their right to have that information rectified and the right to seek a judicial review of decisions public bodies make. I really wish they did not have to fight so hard for rights that should just be available to them.

I have been listening to the commentary this week. We have had so many twists and turns in the road. I have been reflecting on what it means and what I can take from it. What we saw this week was a clash of the old Ireland and the new Ireland. We have seen a clique that has come together and pulled strings. We have seen a power imbalance and we have seen an arrogance directed towards the survivors and their needs that is no longer acceptable in modern Ireland. The report that was delivered was probably the report expected six years ago, when it was commissioned. Ireland was a different place six years ago, but we have come a long way since then and we will not accept that kind of power imbalance and misinformation anymore. We will not accept the tone, victim-blaming, misinformation and inaccuracies in the final report.

I asked the Minister two questions during my first contribution. I am really disappointed that he did not use the final allocation of Government time to address the issues to which they relate. I found the speech of his colleague, referring to survivors pitted against each other, really disgraceful and unacceptable. There is absolutely no need for that. We are here for survivors. The Minister is coming at it from his own perspective. I would like to think he is doing what he really believes is right. We believe he is wrong in what he is doing, and survivors believe he is wrong. Pitting survivors against survivors is not how this should be done.

The first of the two questions I asked relates to whether the Minister can absolutely guarantee that every minute and second of the survivors' testimonies is intact and that a survivor who seeks her or his own information or story in a week, month or six months will not be apologised to and told the tape has been deleted - deleted by a commission that acted outside the scope of the legislation when deleting files. Can the Minister give an absolute guarantee? If he cannot do so, does not extend the commission and does not give people an opportunity to seek retribution or justice in this regard, it will be his responsibility.

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The second question I asked the Minister was on the judicial review. Every person in this State has the right to a judicial review. What will happen when that commission dissolves? There will be no body that can be held accountable. Our country is looking for accountability. We recognise that commission was independent but being independent does not mean one is not answerable for one's actions. The commission needs to be answerable and survivors need to have access to the justice of the State through a judicial review. The Minister did not answer the question as to whether that would be available to them.

I say to all Deputies that it seems to me the tapes miraculously appeared out of the back of a sofa and everyone thinks that is fine, we do not need to extend the commission anymore and our job is done. That is not the job done. That report does not reflect what happened. The report will become the history of this State and by not extending the commission or allowing survivors to challenge the narrative of that report and the facts presented in that report, the Minister is allowing the rewriting of history. When the Minister - I was going to say "votes" but he is not even going to vote on this. He is playing political games and that is what we need to call out here. He says he is doing it so we can all work together for survivors. That is wrong. He should be actively extending this commission because we cannot stand over the rewriting of history like that. Any Deputy who does not actively seek the commission to be extended is doing so. I hope Deputies look hard and deep. They know what is the right thing to do. Please do it tomorrow.

Amendment agreed to.

Motion, as amended, agreed to.

Ceisteanna ó Cheannairí - Leaders' Questions

Deputy Mary Lou McDonald: The lives of an entire generation have been defined by a housing crisis. It is a crisis created and worsened by bad Fianna Fáil and Fine Gael policy. For so many people, the aspiration of purchasing or owning their own home has been reduced to a distant pipe dream. For years, people have been calling out for a government that will take the housing crisis seriously and implement a plan that will once again make housing affordable for workers and families on average incomes.

When the Government took power last June, it claimed it would be that Government. It said it would fix housing and introduce a plan that makes an affordable home an achievable goal for ordinary people and families. Then the Minister for Housing, Local Government and Heritage, Deputy O'Brien, spent month upon month promising an affordable housing plan. We all waited and waited, only to be extremely disappointed by what he and the Government produced and, more than that, to be very angry because the shared equity scheme that the Minister has come up with does absolutely nothing to make housing more affordable. In fact, it will achieve quite the opposite. It will prop up already unaffordable prices and make a bad situation so much worse. His policy could be described as a continuation of disastrous Fine Gael housing policy but also with strong echoes of the failed Celtic tiger policies of the Taoiseach's party, Fianna Fáil. It will have the effect of maintaining unaffordable prices and saddling working people with more unsustainable debt.

I have raised this issue with the Taoiseach before. I have said to him for some time that this plan is dangerous and I have advised him that it will not work. Of course, I have not been on my

own. The Department of Public Expenditure and Reform, the Economic and Social Research Institute and the Central Bank have warned and told the Taoiseach that his scheme will drive prices up. Even the Fine Gael group of councillors on Dublin City Council have begun to see sense and have come out against this scheme. It seems so far that, just as in the bad old days when the Taoiseach was last in government, his Minister seems intent on ploughing on regardless. In the middle of a housing crisis, perhaps only a Fianna Fáil Minister for housing could even think of introducing a scheme that would inflate house prices and put money straight into the pockets of developers, while bullishly ignoring warnings from senior Government officials and experts.

The truth is the Taoiseach's price-inflating shared equity scheme was written and designed by property developers for property developers. When he is trying to make housing affordable, he should not allow developers to call the tune because their job is to maximise profit for themselves. The job of Government is to deliver affordable housing for ordinary citizens. However, it seems that, with Fianna Fáil back in charge of housing, property developers are back in control and ordinary people will literally pay the price for that.

If the Taoiseach persists with this lame duck scheme, home ownership will remain beyond the reach of those on modest incomes. I ask the Taoiseach to scrap this scheme.

The Taoiseach: Clearly, the Deputy is engaging in a propagandistic, sloganeering approach to housing. In the recent budget, the Government allocated unprecedented resources to a broad suite of measures to deal with the housing crisis. The largest social housing programme was budgeted for in 2021, in terms of public and social housing, including direct builds by approved housing bodies. Yet the Deputy has consistently ignored the largest budget in history that has been provided for housebuilding generally.

We had planned to build 9,500 social homes in 2021. That would be the biggest amount in the history of the State but clearly Covid-19 and the current lockdown will impact on that. We will try to recover ground as much as we can. Fianna Fáil has been in government for eight months and in that period, from the July stimulus on, we have made rapid progress in relation to housing, in terms of the Land Development Agency Bill, for example. We did real detailed work on that Bill, which will be an extra lever when it is passed, to give effect to the building of social and affordable housing. The Minister published the Affordable Housing Bill on 20 January. It delivers on the programme for Government commitment to putting affordability at the heart of the housing system.

Our only interest is in giving young people a chance to buy houses. If the Deputy takes last year as an example, the number of houses built was not sufficient to deal with the housing crisis. This kind of branding and references to developers and all that is political propaganda because at the moment we do not have the degree of activity that we should have, either in the private sector or in the public sector, which will pick up.

The voids programme alone was an immediate and effective piece of work we undertook from July with nearly 3,500 houses returned for people to access. That was evidence of a can-do approach to this. We will use all measures to improve and enhance affordability but also to get houses built. Ultimately, we need to get more houses built and that will take efforts in the private sector and in the public sector, through approved housing values, all the while focusing on the crisis of homelessness. Sinn Féin has consistently opposed home ownership. It voted against our affordability motions and the help-to-buy scheme. It is now against the equity

scheme before it has even been set up. It is nowhere near as dangerous as the Deputy is trying to indicate. Sinn Féin has voted against housing development motions 16 out of 21 times on Dublin City Council. It is time it got off the fence on those issues and started allowing housing schemes to begin. Do not allow ideology and politics to get in the way of houses getting built. Too much of that is going on in Dublin City Council and elsewhere in terms of significant projects that could allow for affordable housing right now, before any scheme, if they were allowed to develop. However, Sinn Féin has constantly opposed such schemes. It really undermines the credibility of the proposition made by the Deputy this morning.

My only interest and the interest of the Government is to get as many houses built as we possibly can. We know, according to the Economic and Social Research Institute, ESRI, that we should be building approximately 33,000 houses per annum to deal with demand and the crisis we have experienced for the last number of years regarding housing and in addition, to create the capacity for people to be able to afford to buy houses.

Deputy Mary Lou McDonald: Sinn Féin is for public housing and affordable housing. We are very clear on that. The evidence of the Taoiseach's housing failures is there for all to see and is very real. It is not propaganda. The suffering and anger of workers, families and younger people, in particular, who cannot afford a home is real; it is not fiction.

The Government's proposed shared equity loan scheme will prop up unaffordable prices, line the pockets of developers and leave ordinary people out in the cold. That is the simple, plain fact of the matter. The Taoiseach can play whatever games he wishes but people know that housing policy has been a disaster on his watch in the past. We are watching now again while he makes more disastrous decisions in slow motion. Therefore, I ask him again to listen to the experts and to common sense, to ditch this lame duck scheme and do the right thing.

The Taoiseach: The Government will build a number of ladders in terms of creating opportunities for young people who are caught up in a rip-off rental market. We want to liberate young people from that scenario and give them opportunities to buy homes and be in a position to afford houses that will be built. The new equity scheme is targeted and aims to do that, along with the further proposal of a new affordable purchase scheme, with the State directly building affordable houses, and the retained and expanded help-to-buy scheme. A suite of measures is therefore in place. We also want to get people back on site putting bricks and mortar on the ground by tackling planning barriers and Irish Water connection delays. Additional capital money has gone into Irish Water, for example, to get sites ready. That whole infrastructure piece is very important in enabling houses to be built.

The housing crisis needs a broad range of measures to deal with and really get to grips with it comprehensively. Unfortunately, Covid-19 has intervened both last year and this year. The Deputy should be in no doubt, however, as to the Government's determination to do the right thing for people in terms of getting houses.

Deputy Alan Kelly: I wish to raise the strategy announced yesterday on dealing with Covid-19 entitled Covid-19 Resilience & Recovery 2021: The Path Ahead. Unfortunately, though, it is anything but a path ahead. Regrettably, it is a hope-and-see strategy. There is nothing new in it that we did not know about. It is basically a wing and a prayer. It is totally reliant on vaccines. There is no effort at metrics at all. I did not want timelines. In fact, I believe the comments that were made about mid-summer should not have happened. While I did not want timelines, I wanted to give people hope. I wanted to see some metrics that could be defined by

the public health teams, namely, the National Public Health Emergency Team, NPHET, and the Government. However, there is nothing there to give people hope. The people are in despair. I have never in my political career felt the despair as I have over the last number of weeks, particularly given all the communications failures the Government has had.

My real issue is that there are no new tools and nothing in the plan to suppress the virus; it is a case of let us just wait for the vaccines. The reason there are no new tools is because the Government does not have confidence, unfortunately, that it will be able to keep all the variants out. We know there is another UK version, unfortunately, and a Californian version. They all need analysis. The Government will not be able to deal with community transition as quickly as we need it to, and the public health teams simply are not resourced enough.

Many times, Opposition parties make suggestions and the Government challenges them to back it up with their own policies or put forward ideas or proposals. Here, therefore, are seven proposals which are not in the plan: mandatory quarantine, which we will be discussing later today and which the Government is opposing with regard to it being brought in for everywhere; antigen testing, which I have now been proposing for six months in this House; a survey of why businesses are sending so many people into work; serial testing of congregated settings; retrospective track, trace and testing; sick pay; and resourcing public health teams in order that they can act quickly on future outbreaks. None of these seven proposals are included in the document to suppress the virus and give people hope. Let us all just rely on the vaccine roll-out. I pray it is successful.

The public are in despair, however. I am not sure if the Taoiseach realises that. Therefore, I will ask this of him quite clearly on the floor of the Dáil, seeing as he would not cover it in his document yesterday. What is he doing in a different way to suppress the virus, get down community transmission rates and make sure the variants do not come into this country?

The Taoiseach: First, I disagree with the Deputy. We have been guided by the public health team all the way in terms of the path ahead. NPHET is very clear that the five-level framework is the correct approach and then we should apply flexibilities in different given situations. That is the first point.

Suppression of the virus, irrespective of form, does not change in terms of what we must do as a society regarding congregation. It does not actually change, according to the public health experts. Social distancing and avoidance of congregation are what drive down virus levels. We should be driven by data, not dates. The Deputy has not specified any metrics this morning in his contribution. The last one-----

Deputy Alan Kelly: It is not my job.

The Taoiseach: It actually is.

Deputy Alan Kelly: It is the Taoiseach's job.

The Taoiseach: I am clear in how we are approaching this. I did not interrupt the Deputy. The bottom line is that two months ago, the Deputy was in favour of the living with Covid-19 document. He said it should not be torn up. A month later, he said it should be zero Covid. The Deputy is changing his mind every single month. I regret that because I want to work with him. I want to work with people. However, the bottom line is that we have to get the numbers down. The Deputy knows that. We must get hospital and intensive care numbers down. That is a clear

metric. We must keep community transmission down. As for vaccination, that is important. Vaccination is working already in our hospital care settings. It is having a dramatic effect on reducing infection among front-line healthcare workers. We are one of the few countries which targeted that area in terms of the vaccination programme. It is working and is having a real impact. It will have an impact on older people and those who are most vulnerable. That is why we now have given a higher priority to adults with underlying conditions. Those who are most vulnerable to the disease will be vaccinated first and given protections.

Variants are an issue. We are bringing forward legislation in terms of mandatory quarantining, which will give the Minister the authority to add designated countries to the list, as recommended by the public health team. It must be grounded in public health grounds. The Bill will also have the capacity to facilitate the addition of further countries. The plan references antigen testing. Professor Mark Ferguson-----

Deputy Alan Kelly: That is six months later.

The Taoiseach: I support the introduction of it but the Deputy and everyone in this House agreed that we would take on board expert advice and public health advice. Those authorities have not been as enthusiastic about it because they believe polymerase chain reaction, PCR, testing is the gold standard. The Deputy knows that and I know that as the Deputy has been briefed on that in public health meetings just as well as I have. That said, NPHE has stated antigen testing has a role in terms of outbreak settings and so on. Professor Mark Ferguson is chairing a group on antigen testing. That group will be reporting shortly with a view to implementing additional antigen testing. Resources are there for public health infrastructure. Testing and tracing has expanded very significantly in recent months and that should be acknowledged.

Deputy Alan Kelly: I have suggested seven tools but they are not part of the Government's plan. Many of them were suggested previously and they were not taken on board. I find it shocking that the Taoiseach has come in here and said the Government will not provide metrics but that he is asking the Opposition to put forward metrics, given the fact that the Taoiseach is the person who deals fully with the public health advice all the time.

On quarantine, what the Government is proposing is laughable. Some 2,000 Brazilians came into this country. Can the Taoiseach tell the public out there, who are limited to staying within 5 km, that it was necessary for 2,000 Brazilians to come into this country to work in low-paid employment? Was that absolutely necessary?

We are reliant on the vaccines and I have made suggestions on the vaccine roll-out that have not been taken on board. I want to ask one specific question on vaccines. Denmark has said it will vaccinate its country by 27 June. Denmark and Germany bought extra vaccines through the EU framework from Greece and Portugal as those countries did not take them up. Why did Ireland not do so? Can the Taoiseach explain to the House how Denmark and Germany got to buy those vaccines before Ireland and what efforts we made?

The Taoiseach: Antigen testing will be undertaken in the path ahead. We have been doing serial testing for quite some time. I do not know why the Deputy is suggesting that we are not-----

Deputy Alan Kelly: If the Taoiseach goes down to the University of Limerick he will see.

The Taoiseach: We have been doing serial testing in all nursing homes for the last year. We

have also been doing it in direct provision centres and meat factories for periods. As we have been doing serial testing in different settings, the concept of serial testing is there.

Deputy Alan Kelly: What about schools?

The Taoiseach: We did not do it in schools because it was not advised to do so but we have been doing serial testing consistently and we will expand it again where the public health advice deems it necessary. Sick pay has also been addressed in the context of Covid-19, as the Deputy knows.

It is a bit populist and wrong to speak about 2,000 Brazilians coming into the country in the way the Deputy did. Many of those people are Irish or Irish residents. I do not know the exact details of those people but there has been a Brazilian community in Ireland for quite some time and the Deputy should reflect on that.

Deputy Alan Kelly: That is rubbish.

The Taoiseach: People leave and come back in but there will be a need for mandatory quarantining.

Deputy Alan Kelly: Say that to the public.

The Taoiseach: We have provided for mandatory quarantining for those from Brazil, South Africa and other countries, as designated by the public health advice.

Deputy Alan Kelly: What about Germany and Denmark?

Deputy Mick Barry: Twenty-five people died at the CareChoice Nursing Home Ballynoe, White's Cross, Cork, in January and February. The death toll is one of the highest in the country since the pandemic started. This morning's edition of the *Irish Examiner* tells us that five of the families are seeking a group inquest. These relatives are deeply unhappy with the way they and their loved ones were treated and have many questions that demand answers. These questions include: why was a relative told that a loved one had Covid when they did not; why was a relative told that a relative did not have Covid when they did; why was a relative told that a loved one was doing fine and had just been out for a short walk when the resident in question was wheelchair-bound and had not walked in years; why were residents moved from rooms they had lived in for years; why was a promise of daily communication not honoured; is it acceptable that relatives be left uninformed for days on end in the middle of a Covid outbreak and that phones are left unattended for six or seven hours at a stretch; and is it credible that residents received world-class healthcare in a home where communications were worse than what one would expect in a banana republic? The Irish Nurses and Midwives Organisation told the Oireachtas Special Committee on Covid-19 Response last summer that the nursing home system had buckled for a variety of reasons. These reasons included competition between clinical governance and financial constraints; outsourcing of 80% of care delivery from the public sector and the emerging trend of corporate and international financial institutions taking ownership of large parts of the sector.

The nursing home at Ballynoe was taken over by the French investment fund InfraVia Capital Partners in 2017. InfraVia owns the Mater Private Hospital, all of the telecom masts on Coillte land and the stadium of Olympique de Marseille and it has interests in the expansion of the metro in Málaga etc. InfraVia does not specialise in nursing homes but in the maximisation

or profit. Was profit maximisation a factor in the tragedy that unfolded at Ballynoe? Many relatives seem to think so. In particular, they point to the question of staffing levels, which they believe were not what they could or should have been. There must be answers for these relatives. HIQA, has carried out a recent inspection. Will the Taoiseach join with me in calling on HIQA to interview the relatives as part of this process? Will the Taoiseach ask the Minister for Health, Deputy Stephen Donnelly, to instruct either HIQA or the Health Protection Surveillance Centre, HPSC, to carry out a full investigation here which goes beyond a run-of-the-mill inspection?

Given the number of relatives and staff throughout the country who have questions and criticisms similar to those of the Ballynoe residents, will the Taoiseach support the Oireachtas Special Committee on Covid-19 Response's key recommendation that there be a public inquiry into nursing home deaths and the pandemic? This would be an inquiry that deals with the immediate issues raised by relatives and staff and with the broader question of whether our society can afford to continue with a nursing home system run in the interests of shareholders and the maximisation of profit.

The Taoiseach: I thank the Deputy for raising the issue and I offer my sincere condolences to the families of all those who were bereaved at Ballynoe nursing home. I understand that the particular outbreak the Deputy is referring to commenced on 8 January, which resulted in all 47 residents and 29 staff testing positive for Covid-19. Tragically, 21 residents died associated with that outbreak.

As the Deputy has said, Ballynoe nursing home is one of a chain of nursing homes owned by the CareChoice group. In line with the national protocol, an outbreak management team was convened by the director of public health. That team works with the Covid response team to support private nursing homes during an outbreak through the provision of a range of supports. HIQA has been engaging regularly with the provider prior to and since it was notified of the outbreak on 9 January. It is understood that the provider did not request any additional support or ask for any issues to be escalated. As the Deputy said, following the receipt of the statutory notification of 14 deaths between 7 and 9 February, HIQA carried out a risk inspection on 11 February. HIQA's inspectors review the arrangements in place for visiting, as well as records held on visiting and family engagements. The chief inspector will prepare an inspection report outlining its findings and this report will be published when the full process concludes.

It can take some time for that process to conclude and I will speak to the Minister for Health on this because I take the Deputy's point that the relatives are anxious for engagement and for answers on the issues the Deputy has raised. In particular, relatives have raised issues of limited visiting access, poor communications with staff at the nursing home and there are a number of issues that have been raised which deserve full and comprehensive answers.

More generally, in the context of Covid-19, significant supports have been provided to nursing homes by the State during the crisis. Some €90 million was provided last year through the temporary assistance payment scheme, TAPS. That scheme was made available in 2020 and provides a range of supports to the nursing home sector, from PPE to infection prevention, control supports, training and financial supports. About 23 Covid response teams have been put in place in that context. Some €42 million is available for the scheme in 2021 and that will be increased if necessary. On the broader issue, I have already said that when we emerge from Covid we should have a full evaluation or inquiry not only to learn the lessons but understand, particularly in the context of nursing homes, what happened and how we can improve the design of care for the elderly into the future. I caution that it is not as simple as the Deputy suggests.

Deputy Mick Barry: I believe there should be a fully qualified social worker allocated to every nursing home in this country for the duration of the pandemic. Will the Taoiseach support that call, “Yes” or “No”? Such a social worker could act as a liaison officer with relatives, ensuring regular professional contact and arranging compassionate visits. The social worker would also act as a valuable pair of eyes and ears, observing what happens in these institutions behind closed doors. What happened in Ballynoe Nursing Home is completely unacceptable. Relatives were not communicated with for days on end and spent five, six or seven hours telephoning in order to find out what the story was with their loved one. I have made a simple proposal. Will the Taoiseach support it?

It is not enough to say that we will assess the situation when Covid is over. There is a need for a public inquiry which deals not only with the immediate issues raised by relatives and staff, but also the question of whether we should continue to have a nursing home system which is run on a for-profit model.

The Taoiseach: There is no excuse for poor communications between a nursing home provider, management and staff, and the relatives of residents. That should be an obligation of the provider. The provider should ensure there is such communication. Part of the HIQA inspection framework will encompass that dimension of that. That is important. We need answers in relation to the specifics here in this case.

We need to evaluate how the nation responded to the pandemic. Deputy Barry’s point about private sector provision and public sector provision in healthcare and elderly care is a separate issue. In the context of Covid, one can certainly derive lessons from it. It is a much bigger issue - we should not pretend it is not - in terms of the broader financing of healthcare into the future, particularly with changing demographics. There will be an enormous bill for the State into the future. It is necessary, but how one organises and funds and provides for that is a huge question in itself and perhaps needs a separate exercise that could be collectively engaged in by the Oireachtas.

Deputy Denis Naughten: Hearts sank across the country with the realisation that the current lockdown restrictions are to be extended into April, particularly now as the evenings lengthen and people get out and about more. The lockdown has brought people a greater appreciation of the recreational tracks and trails that we have within 5 km of our homes. What infuriates us all is the scale of littering and illegal dumping that is taking place in such locations. The public are relying on these amenities, yet thoughtless people are littering with everything from dog fouling to cigarette butts and coffee cups. Then we have downright criminal behaviour where individuals are dumping everything from bags to van loads of rubbish in these scenic locations. Since the start of the pandemic, some local authorities have seen a jump of up to 30% in illegal dumping of household waste and household clear-outs. Dublin City Council’s street cleaning crews have even encountered a bath dumped on Bride Street close to Christ Church Cathedral.

I fully accept that there is no single solution to this particular problem. It requires improved facilities, particularly for bulky goods. If, for example, a couch or a mattress is dumped at a location, it attracts other illegal dumping and soon becomes a rat-infested open landfill site. That is why, in 2017, I provided funding for community clean-ups across the country and, in 2018, under the national mattress amnesty campaign, 11,000 mattresses were collected and properly recycled by local authorities.

We also must improve enforcement of the laws. While amendments to the Litter Pollution

Act to increase on-the-spot fines from €150 to €250 have been drafted since 2018, they have yet to be introduced. Facilities and fines are a move in the right direction but unless we hit those who carry out this illegal activity where it hurts - in their pockets - we will never effectively address this growing problem. We must secure convictions and make clear examples of those involved in this crime, which is environmental and economic and has social impacts on the communities concerned.

Prosecutions can only be secured with unequivocal evidence and video evidence is by far the most effective tool in this regard. That is why funding has been provided to local authorities since 2017 to enhance CCTV and drone monitoring of illegal sites. However, we cannot progress this because of a decision taken by the Data Protection Commissioner that local authorities are not in a position to collect and use this data in securing prosecutions. This anomaly needs to be addressed urgently in the interests of protecting communities across the country.

The Taoiseach: I thank Deputy Naughten for raising the issue. I acknowledge his long-term interest in this issue and the measures he has taken in the past in different capacities to deal effectively with it. The Deputy is correct in saying that illegal dumping is a scourge on the landscape and offenders should and must face the full rigours of the law. Penalties for illegal dumping are significant. There is a maximum fine of €5,000 on summary conviction and-or imprisonment for up to 12 months, with a maximum fine of €15 million in the Circuit Court on conviction on indictment or imprisonment for up to ten years.

Ireland's waste action plan for a circular economy, published in September of last year, commits the Government to implementing a range of measures, including to tackle the problem of illegal dumping. One of the commitments contained in the action plan is that "All waste enforcement legislation will be "data proofed" to ensure that all available and emerging technologies can be fully utilised in a manner which is GDPR compliant."

In September 2020, as the Deputy has said, the Data Protection Commissioner wrote to the Minister for the Environment, Climate and Communications concerning data protection issues with the use of CCTV cameras for litter and waste enforcement purposes. The Data Protection Commission, DPC, is engaging with the County and City Management Association, CCMA, on the practical issues raised by the DPC. The Government is working to address these issues and the issues raised by the Deputy. This has seen the Department of the Environment, Climate and Communications work on the draft heads of a circular economy Bill. Output from discussions between the CCMA and the DPC, as well as commitments on the waste action plan, are being examined for introduction in the Bill. Critically, this could help to ensure that the processing of personal data may be carried out by local authorities tasked with enforcing litter and waste law in order to protect the environment from the scourge of illegal dumping, while at the same time respecting the privacy rights of citizens. The upcoming circular economy Bill will also consider further changes to fixed penalty notices.

This is a significant issue that has emerged. It is the Data Protection Commission's view that although the Litter Pollution Act and Waste Management Act provide local authorities with powers to prevent, investigate, detect and prosecute littering and dumping offences, the Acts do not provide for processing of images of members of the public using CCTV footage. That advice is, as I said, being considered by the Department and is subject to internal legal advice.

This is an issue because the bottom line, from a public policy perspective, is that we want to stop illegal dumping and we have to use all the tools available to deal with that. I trust that in

the forthcoming legislation this issue will be addressed in a way that enables local authorities to have full access to the technologies and powers necessary to stop this appalling behaviour where the landscape and streetscape of our country are being blighted by such wanton acts.

Deputy Denis Naughten: This anomaly in the legislation must be addressed urgently, as it is effectively allowing an open season for illegal dumping, including fly tipping, at a time when our citizens are reliant on these tracks and trails. The plan is to address the anomaly in the circular economy Bill. This will help to ensure that the processing of personal data, including video evidence, can be carried out by local authorities with an objective of trying to stop the scourge of illegal dumping. As the Taoiseach knows, however, the pandemic will be over by the time the councils have the tools to enforce the law. I ask that he facilitate the early passage of the Labour Party's Bill in Seanad Éireann, which would close off this loophole and include an amendment that would facilitate the practical implementation of the current law, which allows for the confiscation of vehicles used in this activity. Unless we act immediately and hit those people who are carrying out these acts of economic and environmental treason where it hurts them the most, we will all suffer.

The Taoiseach: I know the Minister is anxious to progress the legislation, resolve this issue, give capacity to local authorities to use the latest technologies, with respect to the right to privacy, to deal with illegal dumping, and use the full range of anti-dumping measures available to the Government. Working with community organisations across the country, additional funding was allocated through the anti-dumping initiative. That was a further €3 million, which will facilitate approximately 300 projects across the country involving local authorities and community groups. Further funding of €1 million per annum was provided to support the activities of the waste enforcement regional lead authorities and €7.4 million per annum to the network of 150 local authority waste enforcement officers. The fundamental issue around the data protection issue and CCTV utilisation needs to be resolved.

An tOrd Gnó - Order of Business

An Ceann Comhairle: The House has agreed that the schedule should not be read out and should be taken as read. There are arising from it just two proposals to put to the House. Is the proposal for dealing with today's business agreed?

Deputy Michael McNamara: I wish to raise two objections, the first of which relates to the curtailing of debate on the Health (Amendment) Bill 2021 through the use of a guillotine. There is no reason to curtail this debate in circumstances where the Tánaiste has stated that the legislation would not be operational for a number of weeks. The only reason to curtail debate on this issue is to fix the loophole around fixed penalty notices that were handed out at ports and airports at the beginning of February. On "The Late Late Show", the Garda Commissioner spoke about fines at Dublin Airport, yet the legislation underpinning those fines was invalid. As such, they could not be enforced. By any stretch, that is a shambles.

An Ceann Comhairle: We cannot have a lengthy debate now, Deputy.

Deputy Michael McNamara: To fix it, it is proposed to rush legislation through that also rushes through legislative measures on quarantining that will not be enforced for a number of months. We will fix legislation that was flawed because of the speed it was run through the Houses with more flawed legislation that will be run through quickly and not be operational for

weeks.

An Ceann Comhairle: The Deputy has made his point.

Deputy Michael McNamara: The second point I wish to make is that, presumably based on his legal advice, the Tánaiste has stated this legislation is expected to be challenged in the courts. The courts will do what they wish if it is challenged, but they ordinarily give deference to the fact that the Houses have determined that legislation is proportionate. However, this House will be curtailed in its debate, not by a vote of the entire House, but by a reduced number of Deputies. The number of reasoned amendments that could be tabled was reduced by the Bill's timing, and even those amendments will not be reached, but we are expecting the courts to give deference to this flawed regime. We are sitting here at enormous expense so that Deputies can vote, yet all Deputies-----

An Ceann Comhairle: The Deputy has made his point at length.

Deputy Michael McNamara: -----will be deprived of their vote, curtailing debate on an issue that the Government expects to be challenged in the courts.

An Ceann Comhairle: On the Order of Business, brief comments are acceptable, not lengthy statements.

Deputy Michael McNamara: I have never objected to the Order of Business before, but this is important.

An Ceann Comhairle: I know that and I take the Deputy's point. He is correct, but can we please try to keep the comments as short as possible?

Deputy Paul Murphy: Last night, we got the living with Covid plan mark II. It could have been subtitled "More of the Same". It contains restrictions for ordinary people while turning a blind eye to what is happening in the meat plants and while there is no enforcement of employers in terms of working from home and there is a half-arsed approach to mandatory hotel quarantining. All of this is combined with a new vaccination target that seems to have been plucked out of the air.

An Ceann Comhairle: What does this have to do with the Order of Business?

Deputy Paul Murphy: We have no time this week to debate the new plan. Our regular slot to debate vaccinations and Covid has been removed this week and, for the seventh week in a row, there will be no Taoiseach's questions. The Government is running from accountability. That is not on. We objected to this at the Business Committee and we will object to it in the Chamber. We need time to debate these matters.

Deputy Mattie McGrath: On behalf of the Rural Independent Group, I must object to rushing this legislation. Rushed legislation is normally bad legislation. We do not have enough time to debate it. I am unsure as to how many Deputies will be present to vote.

The Taoiseach has stopped briefing Opposition leaders, including me. Contrary to what he told the House last week, we have not had a briefing since November. He will hide from accountability by having no Taoiseach's questions or a proper debate. We expect the little people - I mean the ordinary people and nothing derogatory - to comply with everything but the Government has refused to close the Border. I have said we should close the Border at every

meeting we have had since last March. It is farcical that we will not have enough time to debate this Bill. Our amendments cannot be moved and discussed. It will end up in a mess.

Deputy Pádraig Mac Lochlainn: I said last week that the curtailment of the Opposition in doing its job had to stop. It is unacceptable that, for the third week out of four, there will not be dedicated statements and questions to the Minister for Health on the public health response and the vaccination programme. Those statements and questions were agreed by the Business Committee and understood to take place every three weeks out of four.

I understand that additional hours will be allocated to Dáil sittings from next week. The Government needs to clarify for the record that there will be additional hours, more time for the Opposition and fixed statements with the Minister for Health for the duration of the crisis as a standing time slot every week on the public health response and the vaccination programme. We await those assurances.

Deputy Gary Gannon: The Taoiseach was present when the Social Democrats motion on extending the commission of investigation into mother and baby homes was passed today. As such, it is reasonable to have a session where the responsible Minister outlines what steps he will take as a matter of urgency to ensure the commission is not dissolved. We could not raise this matter on the Order of Business because we did not know the motion would pass. Now that it has, it is reasonable to create the space for the Minister to outline the next steps he will take to avoid being accused of cynicism or defying the will of the Parliament.

The Taoiseach: As I said last week, the timing of business and the amount of time the House sits are not determined by the Government. They are determined by public health advice. That was made clear last week, and health and safety-----

Deputy Michael McNamara: So we cannot debate public health advice because-----

An Ceann Comhairle: Deputy, please let the Taoiseach respond.

The Taoiseach: I am talking about the length of time the Dáil sits. There are constraints on what can be debated and what can be facilitated within the time constraints provided as a result of public health advice in the context of Covid-19 and the health and safety advice that the Oireachtas provided - not the Government, not my office, but the Oireachtas. Also, I understand there were communications from staff associations as well. We are in a difficult wave of Covid-19 with the new variants, so that is probably without question informing that advice. That said, I am not-----

Deputy Michael McNamara: All the more reason to hold the Government to account for this shambles.

The Taoiseach: The Minister for Health will be in here all week on the quarantining Bill. The demand from - maybe not Deputy McNamara - most Members of the House has been for this Bill to be introduced and for this issue to be dealt with as expeditiously as possible because people want a mandatory quarantining regime to be put in place from a legislative perspective.

Deputy Michael McNamara: We are told it will not be for weeks.

The Taoiseach: I am open to the House in relation to the timelines for the Bill. I understood this was an agreed process and that people were anxious to get this through but the Whip may want to discuss the issue with others. I am not going to be accused of guillotining legislation

of this kind but there is a time pressure on this. Let us be honest about that. People may have different views on the legislation but I believe it is proportionate, balanced and grounded in public health. There are protections in it from a civil liberties perspective, about which Deputy McNamara might have genuine concerns.

Deputy Michael McNamara: When will it be implemented?

The Taoiseach: There is pressure on it, of course there is.

Deputy Michael McNamara: If the Government is not going to implement it straightaway, what is the rush?

The Taoiseach: Immediately after the legislation is passed, we will have to work up the regulatory framework and get it up and running. The legislation is key to enabling one to do that.

With regard to Deputy Paul Murphy's point, there is no blind eye being turned to meat plants. That is not the case at all.

Deputy Paul Murphy: Why is there still no sick pay?

The Taoiseach: We debated this on Leaders' Questions and the Deputy's view is that there should be a longer lockdown. That is what he would prefer, without question. This week, the quarantining legislation is the priority. Last week, the Minister for Health and his Ministers of State were before the House. Every week, issues pertaining to Covid have been debated in the House. My understanding is that there will be additional hours next week, as Deputy Ó Lochlainn said. I think the Business Committee is considering that matter and it is one for that committee. We have facilitated a debate this afternoon on Northern Ireland, which was requested and which the Government was happy to facilitate. There are constraints, which are there because of Covid-19 and not because of any Government provision.

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

Deputy Michael McNamara: It is not agreed. I call for a full vote of the House.

An Ceann Comhairle: We can only have a vote of the Members who are scheduled to be here so the vote will be by the complement of 45 Members.

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

<i>The Dáil divided: Tá, 26; Níl, 19; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Butler, Mary.</i>	<i>Carthy, Matt.</i>	
<i>Canney, Seán.</i>	<i>Collins, Michael.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Connolly, Catherine.</i>	
<i>Chambers, Jack.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Costello, Patrick.</i>	<i>Cronin, Réada.</i>	
<i>Devlin, Cormac.</i>	<i>Farrell, Mairéad.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gannon, Gary.</i>	

<i>Durkan, Bernard J.</i>	<i>Kelly, Alan.</i>	
<i>English, Damien.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Fitzpatrick, Peter.</i>	<i>McDonald, Mary Lou.</i>	
<i>Flaherty, Joe.</i>	<i>McGrath, Mattie.</i>	
<i>Haughey, Seán.</i>	<i>McNamara, Michael.</i>	
<i>Higgins, Emer.</i>	<i>Mitchell, Denise.</i>	
<i>Lahart, John.</i>	<i>Murphy, Paul.</i>	
<i>Leddin, Brian.</i>	<i>O'Callaghan, Cian.</i>	
<i>Martin, Micheál.</i>	<i>Ryan, Patricia.</i>	
<i>McAuliffe, Paul.</i>	<i>Smith, Duncan.</i>	
<i>Murphy, Eoghan.</i>		
<i>Naughten, Denis.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>Richmond, Neale.</i>		

Tellers: Tá, Deputies Cormac Devlin and Jack Chambers; Níl, Deputies Mattie McGrath and Michael McNamara.

Question declared carried.

1 o'clock

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

Deputy Gary Gannon: The House passed a motion this morning to extend the life of the Commission of Investigation into Mother and Baby Homes. The Government facilitated this by not opposing the motion. On foot of the motion, the Minister needs to update the House or introduce the necessary legislation tomorrow. We have called on him to do so and we will call a vote.

Deputy Michael McNamara: The debate by all Deputies tomorrow will be curtailed by a vote today by a reduced number of Members. Deputies will not be able to table or vote on valid amendments tomorrow because a reduced number of Deputies voted today to curtail tomorrow's debate.

Deputy Mary Lou McDonald: I support Deputy Gannon's call with regard to the mother and baby homes commission. It would be an act of extraordinary bad faith, even by the standards of this Government, to cynically allow a motion to be passed by the Dáil with no intention of acting on it. The matters set out in the course of the debate are of the utmost seriousness. They deserve the serious attention of the Government. At a minimum, the Minister, who failed to answer core questions that were put to him by the proposer of the motion and other Members, must come to the House, answer those questions comprehensively and put minds at rest. I am very deeply concerned about this turn of events, and many survivors and advocates are also distressed and alarmed by it. I support Deputy Gannon and I ask the Government to do the honourable and right thing.

Deputy Mattie McGrath: I spoke on this earlier and I alluded to the fact that it is very strange that the Government is not extending the life of the commission, yet it accepted the motion. This is playing politics at a very cynical level. It might look good for the Government and get it off the hook with its backbenchers, but it sends a distressing message to the victims, their families and their advocates. We are playing games here with people's lives and it is just unacceptable.

Deputy Catherine Connolly: I support the Deputy's request on this matter. Language is meaningless if we accept what the Minister said today, that on the one hand he was not opposing the motion but, on the other, he gave no clarification regarding the extension of the commission. We need clarity and we can only have that in an open discussion in the Dáil, in which the Minister and Taoiseach clarify the matter and we are allowed to ask questions.

The Taoiseach: The Government is motivated primarily and solely by the needs and concerns of the survivors, and to do right by them. That is informing the Government's policy and its response to the commission's recommendations. The Government is focused on delivering on those recommendations, as is the Minister, Deputy O'Gorman, particularly in the context of the information and tracing Bill, which we are anxious to have before the House as quickly as possible. The interdepartmental group is working on the historical recognition redress scheme. The motion has been amended to include enhanced medical cards. That is part of the recommendations and is something we want to do. We certainly would not oppose that. We do not want to divide the House on these issues. Nobody on the Government side is playing political games here. There was no legislation before the House today.

Deputy Gary Gannon: We were not allowed. It was ruled out of order.

The Taoiseach: During Private Members' business, Members can bring forward legislative proposals. It could have been brought forward, published or engaged on last week.

What is important is the Minister's statement regarding the retrieval of the tapes and the potential for the tapes to be available. There is more work to be done. In my view, the bona fides of the Minister cannot be questioned with regard to doing right by the survivors. I heard some of the contributions and it is wrong to cast aspersions or to try to create a division in which some are more virtuous than others on this issue. That is not right, and I detected that in some of the contributions I heard. Many people, the survivors of these institutions, want access to information, once and for all. As an Oireachtas and a Government, we must also get on with doing what many people need to get done on a range of issues. We are committed to doing that.

Obviously, the Minister will engage further with the Oireachtas on the range of issues that are covered. His statements, last night and today, although I was not in the House earlier, regarding the retrieval of the tapes are significant and should provide an opportunity on that issue. The Deputies must acknowledge that there are significant challenges regarding the issue of the commission, which the Minister has been pursuing in respect of getting responses, and regarding the Data Protection Commission's engagement with the commission.

On the points raised by Deputy McNamara, these are the mechanisms that have been provided so we can do our business in the House in the context of Covid-19. I understand the Deputy's reservations, but I do not believe there is any way out of it.

Deputy Gary Gannon: The motion that was passed today pertains to extending the commission of investigation into the mother and baby homes, which dissolves a few days hence.

The fact that the House passed the motion requires the Minister to act and to tell us what he is going to do. We must create space for that and that is the reason we will push for a division on this issue.

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

<i>The Dáil divided: Tá, 24; Níl, 21; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bruton, Richard.</i>	<i>Barry, Mick.</i>	
<i>Burke, Peter.</i>	<i>Browne, Martin.</i>	
<i>Butler, Mary.</i>	<i>Buckley, Pat.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Canney, Seán.</i>	
<i>Chambers, Jack.</i>	<i>Carthy, Matt.</i>	
<i>Costello, Patrick.</i>	<i>Collins, Michael.</i>	
<i>Coveney, Simon.</i>	<i>Connolly, Catherine.</i>	
<i>Devlin, Cormac.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Duffy, Francis Noel.</i>	<i>Cronin, Réada.</i>	
<i>Durkan, Bernard J.</i>	<i>Farrell, Mairéad.</i>	
<i>English, Damien.</i>	<i>Gannon, Gary.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kelly, Alan.</i>	
<i>Flaherty, Joe.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Haughey, Seán.</i>	<i>McDonald, Mary Lou.</i>	
<i>Lahart, John.</i>	<i>McGrath, Mattie.</i>	
<i>Leddin, Brian.</i>	<i>McNamara, Michael.</i>	
<i>Martin, Micheál.</i>	<i>Mitchell, Denise.</i>	
<i>McAuliffe, Paul.</i>	<i>Naughten, Denis.</i>	
<i>Murphy, Eoghan.</i>	<i>O'Callaghan, Cian.</i>	
<i>O'Callaghan, Jim.</i>	<i>Ryan, Patricia.</i>	
<i>O'Donnell, Kieran.</i>	<i>Smith, Duncan.</i>	
<i>O'Dowd, Fergus.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>Richmond, Neale.</i>		

Tellers: Tá, Deputies Cormac Devlin and Jack Chambers; Níl, Deputies Cian O'Callaghan and Gary Gannon.

Question declared carried.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

An Ceann Comhairle: We move to Questions on Promised Legislation, in respect of which 34 Deputies have indicated.

Deputy Mary Lou McDonald: Last week I raised with the Taoiseach the urgency of affording priority for vaccination to family carers. He told me that advice and guidance on this had been sought from the National Immunisation Advisory Committee, NIAC, by the Minister

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for Health. It is very disappointing and concerning that family carers are still left at the back of the queue for vaccination. Why is that the case? I am asking the Taoiseach directly if he will correct the position in this regard. Has the Government received that advice from the NIAC?

What happens to those who are being cared for if family carers fall sick? I reminded the Taoiseach last week that there are some 500,000 family carers and that they save the State €20 billion annually, which is just a financial measure of the care they provide.

The Taoiseach: I regret to have to say this but I must ask the Deputy why she is playing politics with this.

Deputy Mary Lou McDonald: I am not. I am asking a question. It is my job.

The Taoiseach: No, it is not right to seek political advantage and say one is for every group to go up the list, and so on. I understand the position relating to carers like everyone else in the House. I stated that NIAC advises the Government. We can make inputs and engage in consideration but NIAC advises, that is the point I made last week. The correspondence in question relates to adults with underlying conditions. Deputies raised genuine concerns about conditions such as cystic fibrosis and Parkinson's. People felt that those with certain conditions should be moved up the list because they would be more vulnerable to getting Covid. I refer to those who have had heart or kidney transplants, people on dialysis and so on. The Minister wrote to NIAC to ask it to examine the sequencing relating to the different groups. NIAC has returned with a recommendation on those with underlying conditions-----

An Ceann Comhairle: Please, we have only a minute for each question.

The Taoiseach: We are not asking for-----

An Ceann Comhairle: Sorry, Taoiseach, the time is up.

The Taoiseach: People should respect NIAC. We are no experts.

An Ceann Comhairle: Sorry, Taoiseach, the time is up.

Deputy Alan Kelly: Why has the Government dumped Dr. Gabriel Scally from overseeing the implementation of the recommendations of his report on CervicalCheck? I understand the previous Minister for Health, Deputy Harris, confirmed to Dr. Scally that he would continue with his work in this regard even through the pandemic. The CervicalCheck committee has just met. It knew nothing about this. I found this out in the past couple of days. The committee had a meeting in the past few hours - it was not told. The pathways relating cervical screening have been changed. Some members of the committee regard this as a regressive step. Will the Government bring Dr. Scally back? Why was he removed in the first place? Who made that decision? Surely we need to see all the recommendations implemented. A total of 22 remain to be implemented.

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

Deputy Alan Kelly: Will the Taoiseach confirm that Dr. Scally will be re-engaged in the context of implementation?

The Taoiseach: I will have to check into that.

Deputy Alan Kelly: It is confirmed in the *Irish Examiner*.

The Taoiseach: The matter has not come before Government in terms of any formal decision to be made. The Government has not dumped anybody. I will check this out and see what the process was or what happened. I will revert to the Deputy.

Deputy Gary Gannon: I had not intended this but I am returning to the matter of the Mother and Baby Homes Commission of Investigation. Why did the Government allow a motion to be passed earlier in respect of extending the term of the commission if it was not going to act upon it? That is a really cynical exercise in politics. It brings to mind stroke politics. If the Government is not going to act on the motion, why allow it to pass? Why do such a disservice to the House, to the contributions and to the testimonies of survivors who contacted all of us? No one here is claiming moral superiority. I totally reject the Taoiseach's implication earlier that we were claiming such superiority. We have a different view from the Minister. We were proven correct on GDPR, access to archives and the retrieval of testimonies. Nobody is claiming moral superiority but when that commission dissolves in a few days' time, steps like a judicial review will not be able to take place and that is wrong. If the commission dissolves-----

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

Deputy Gary Gannon: -----and the survivors take a judicial review, will this State defend the findings of the commission?

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

Deputy Gary Gannon: Will the Taoiseach and the State defend the findings of the commission should anyone take a judicial review?

The Taoiseach: The motion tabled by the Deputy's party's called for an extension of the commission to review the destruction of the audio tapes and then to allow for the salvaging of remaining testimony. Overnight, the Minister has indicated that he is in a position to salvage the tapes and that back-up tapes have been found. I did not hear his speech earlier but he indicated that to us yesterday and has said that in a statement. That is significant in the context of the motion tabled this morning. It also talked about the archive transferring to the Minister, which we are going to do and of which we are in support. The motion also calls for the carrying out of a full review of the legislation pertaining to commissions of inquiry. We are going to do that and are committed to doing it. In addition, as amended by the Labour Party, the motion also provides for enhanced medical cards to be provided to survivors, which the Government is also committed to doing and wants to do.

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

The Taoiseach: That is why we took the position we took in respect of the motion this morning.

Deputy Mick Barry: Is the Taoiseach aware that the garda who fired the shot that killed George Nkencho has not been suspended from An Garda Síochána pending investigation and, it would seem, has not yet been interviewed by the Garda Síochána Ombudsman Commission, GSOC?

An Ceann Comhairle: I do not think that is an appropriate matter to raise in the House. The individual is possibly identifiable and is not here to protect or defend himself. I do not consider that a reasonable-----

Deputy Mick Barry: In that case I will take a different path with this. Is the Taoiseach aware that correspondence sent by the chairperson of GSOC to the Irish Council for Civil Liberties, ICCL, dated 22 January refers to the challenge faced by an oversight body with fewer than 40 investigators in dealing with a Garda service of approximately 15,000 members? The under-resourcing of GSOC and the glacial pace of the Nkencho investigation raised the spectre that the murder of a gangland boss might be investigated more quickly now than the killing of a young man by a Garda officer. Does the Taoiseach believe that this is an acceptable state of affairs? Will he agree that an independent public inquiry rather than an under-resourced GSOC investigation is the way to go with this case?

The Taoiseach: Our deepest sympathies go to all those, particularly the family and relatives of George Nkencho, in terms of what happened in that tragic event in Hartstown. Any fatal shooting of this kind is deeply distressing for all and for the entire community. The local community experienced real trauma as a result of this event. Such incidents, thankfully, are rare in Ireland but this will be fully investigated independently. GSOC has confirmed that it has begun a criminal investigation under section 98 of the Garda Síochána Act 2005. GSOC can make wider systemic recommendations on issues it investigates and it is free to do so in this instance also. It is not appropriate for me to consider any further interventions at this stage.

An Ceann Comhairle: I thank the Taoiseach.

The Taoiseach: Prioritisation is always key to any workload in any of our organisations.

An Ceann Comhairle: The time is up.

Deputy Seán Canney: I raise the issue of the Local Government Fund and how it is distributed to the local authorities. In particular, I raise the issue of Galway County Council, which is so poorly funded it is on life support at present. It is overwhelmed with work and does not have the resources to carry it out. As a result, services will be affected. Geographically, it is the second largest county in Ireland with a diverse range of services from the islands to the Gaeltacht and to the east, in my constituency. There has been talk of the amalgamation of Galway City Council and Galway County Council. The independent committee that was put in place cited two issues that needed to be sorted out, the first of which was the funding of Galway County Council. There is no transparent mechanism within the Department to show the reason the fund is so low for that county. The matrix by which it is done is not transparent. Nobody within the Department can explain it. I ask the Taoiseach to take it on board and to let me know.

The Taoiseach: I thank the Deputy for raising that issue. His colleagues have raised it a number of times previously. There is an issue to be examined. I will certainly talk to the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, about it in terms of the application of the Local Government Fund in respect of Galway city and Galway county.

Deputy Mattie McGrath: Community employment, CE, and community involvement schemes are a vital part of our community. The caring sector, Tidy Towns associations, sports clubs, schools and so on are having major difficulty in terms of their sponsors and sub-sponsors due to Covid-19. They cannot fundraise and are ending up with deficits. They have to pay insurance costs, bank charges, IT costs, payroll and all the other charges even though some of them are not currently operational. Will the Taoiseach ask the Minister in charge to give them an increase of at least €6 per week for the materials, even if only for the Covid period, because it is vital that those schemes continue? They are a lifeline for communities in terms of visit-

ing the vulnerable, meals and wheels and everything else. They need political funding at the moment because they cannot fundraise. They always fundraised previously but they cannot in these times. They need to be supported.

Deputy Michael Collins: We have a major crisis in respect of people over the age of 55 who are on CE schemes. I had a Zoom meeting last Friday with the Skibbereen Education and Environment Project company, which has a number of CE workers, but it looks as if its numbers will be halved. CE workers over the age of 55 and up to the age of 60 are finding it very difficult to get alternative employment. They are now being withdrawn from the CE schemes, which means that community and voluntary organisations mainly will suffer. The Taoiseach will have to intervene with the Minister, Deputy Humphreys, on this issue.

Deputy Carol Nolan: As the Taoiseach is aware, the CE schemes do fantastic work in rural communities in particular. I ask for action to be taken in terms of the situation in which they now find themselves, which is at crisis point. Will he increase each scheme by €6 per week to cover their materials?

Deputy Christopher O'Sullivan: On the same issue, I want to speak on behalf of the CE schemes and their incredible success, particularly in my constituency of Cork South-West. The Mizen Peninsula, Baltimore, Skibbereen and Clonakilty have had incredibly successful CE schemes that do brilliant work on the ground but they are worried about their future. They are worried about a slashing of participants in the CE schemes. We need someone to look into that and address those issues.

The Taoiseach: I have been a long-term supporter of CE schemes in whatever position I held, particularly when I was in the Department of Enterprise, Trade and Employment. I preserved them and gave additional supports in particular to those over the age of 55. I was the first Minister to bring in the scheme for those over the age of 55 to give longer terms for people on CE schemes. My view is that CE schemes are essential to underpin communities and should not be seen just as a labour market intervention but rather as a community support. I will talk to the Minister, Deputy Humphreys, with regard to the points raised by the Deputies. I have seen the work of enterprise schemes and CE schemes across the length and breadth of the country. We will see what we can do. Yesterday, in the Covid plan, we provided for additional funding more generally for communities and for mental health NGOs in respect of giving additional supports but I will talk to the Minister, Deputy Humphreys.

Deputy Catherine Connolly: Briefly, in the context of the programme for Government, there are many positive commitments one of which states that inclusion in and access to education is the foundation for a more just and equal society. I have tried everything before standing up here today. I have written to two Ministers, namely, the Ministers for Education and for Transport. I have tabled Dáil questions. It is a very net issue. I acknowledge the funds given during Covid for schools to keep them going and for packages at home. In terms of my specific question, two schools in Galway, but I am sure it applies to other schools, are incurring costs on a weekly basis sending out education packages to those who have no access to computers or to the relevant appliances. It is a very small amount of money in terms of the Department's budget but it will make a huge difference to the two schools in question which are incurring weekly costs sending out essential packages.

The Taoiseach: I will follow that up with the Minister for Education. I understand the point the Deputy is making. I do not know why they have not responded yet but I will come back to

the Deputy on it.

An Ceann Comhairle: The 24 Deputies not reached today will be given priority tomorrow.

Organisation of Working Time (Workers Rights and Bogus Self-Employment) (Amendment) Bill 2019: Leave to Withdraw

Deputy Ruairí Ó Murchú: I move:

That, notwithstanding anything in Standing Orders, leave be given to withdraw the Organisation of Working Time (Workers Rights and Bogus Self-Employment) (Amendment) Bill 2019.

Question put and agreed to.

Appointments to Policing Authority: Motions

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

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Shalom Binchy be appointed by the Government to be a member of the Policing Authority.

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Elaine Byrne be appointed by the Government to be a member of the Policing Authority.

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Donal de Buitleir be appointed by the Government to be a member of the Policing Authority.

That Dáil Éireann recommends, pursuant to section 62C(7) of the Garda Síochána Act 2005, that Stephen Martin be appointed by the Government to be a member of the Policing Authority.

Question put and agreed to.

New Decade, New Approach Agreement: Statements

The Taoiseach: I welcome this opportunity to speak about the New Decade, New Approach agreement of January last year, restoring to full operation the institutions of the Good Friday Agreement, including the Executive, the Northern Ireland Assembly and the North-South Ministerial Council.

On 9 January 2020, on behalf of the Irish and British Governments, the Minister for Foreign Affairs, Deputy Simon Coveney, and the then Secretary of State for Northern Ireland, Mr. Julian Smith, published the New Decade, New Approach agreement as the basis for the political

parties in Northern Ireland to operate the power-sharing Executive and Assembly again. On 11 January, the five main parties accepted the agreement as the basis for them to re-form the Northern Ireland Executive.

The agreement was forged through long periods of negotiation in a number of different formats in the three years since the Executive had collapsed in January 2017. It involved difficult compromises on sensitive issues and I pay tribute to all those involved. This was a very significant shared achievement by the parties in Northern Ireland and by the British and Irish Governments, restoring the power-sharing institutions of the Good Friday Agreement to operation after a regrettable and protracted three-year absence.

The five-party Executive has now been in place for over a year making decisions for the people of Northern Ireland, MLAs are back working in the Assembly and Ministers from North and South are meeting in the North-South Ministerial Council.

The period since the agreement has been one of unprecedented challenges, dealing with the outworkings of Brexit and responding to the Covid-19 pandemic. However, I remain convinced that the full implementation of the agreement will provide a stronger and more resilient foundation for the power-sharing Executive, thanks to the work of all the parties to reach consensus with the support of the British and Irish Governments.

At the heart of the New Decade, New Approach agreement is a commitment to address the issues that are of importance to the people of Northern Ireland. It sets out priorities for the Northern Ireland Executive on a number of key areas, including health, education, infrastructure and welfare. It reflects an ambitious agenda for investment and reform of public services. The agreement also outlines a number of important reforms and commitments to ensure greater stability and transparency in the Northern Ireland Executive and Assembly, including changes to the petition of concern, to ensure it operates as intended.

Before turning to the Irish Government's commitments made in the context of the agreement, I will address the sensitive issues of language and of legacy. On the issues of rights, language and identity, the parties affirmed in the agreement "the need to respect the freedom of all persons in Northern Ireland to choose, affirm, maintain and develop their national and cultural identity". This was accompanied by a commitment to a package of legislative measures on the Irish language and on the arts and literature associated with the Ulster Scots and Ulster British tradition. It was agreed that this package of legislation would be presented to the Assembly within three months of the restoration of the institutions. I urge now that progress be made so that this legislation can be brought through the Assembly in the immediate period ahead in line with the commitments of the New Decade, New Approach agreement.

The Stormont House Agreement of 2014 sets out a balanced, comprehensive framework to address the painful legacy of the past in Northern Ireland. It is the path forward on this issue and progress is crucial for victims, survivors and families who have waited for far too long and for society as a whole. The British Government made a number of commitments in the context of the New Decade, New Approach agreement. Notable among those was its commitment to introduce legislation to implement the Stormont House Agreement to provide a comprehensive and balanced framework to deal with legacy issues in Northern Ireland. It is critical that we see progress on this alongside the other commitments we collectively made.

The Stormont House Agreement framework was agreed by both Governments and the po-

litical parties in Northern Ireland after intensive negotiations and it must be implemented. We will continue to press the British Government on the implementation of the agreed collective framework. Politics in Northern Ireland will continue to be adversely affected if concerns around the implementation of the Stormont House Agreement are not addressed by the British Government.

In the context of the New Decades, New Approach agreement there were specific commitments by the Irish Government “in support of greater co-operation, connectivity and opportunity North/South on the island” working in partnership with the Northern Ireland Executive and the British Government. These are focused on delivering projects that benefit people across the island, including greater connectivity between North and South, investing in the north-west region and in Border communities, research and innovation, supporting the Irish language in Northern Ireland and supporting reconciliation as an integral part of the peace process.

These commitments are reflected in the shared island chapter of our Programme for Government, ensuring their delivery is at the heart of the work of this Government. Specifically, the Government has recommitted to the funding of £75 million over the next three years for the A5 project and agreed the launch of restoration work on phase 2 of the Ulster Canal project, including with the support of €6 million from the shared island fund. Work on a strategic review of the rail network on the island of Ireland is advancing and the Narrow Water bridge continues to be a key priority. We are developing proposals for an enhanced North-South programme of research and innovation and as part of our commitment to investment in the north-west and Border communities, including further support for the north-west strategic growth partnership, I met on Thursday last with the Donegal and Derry and Strabane councils, which are working in close partnership together and very effectively. The expanded reconciliation fund of the Department of Foreign Affairs, the International Fund for Ireland and the new PEACE PLUS programme for Northern Ireland and the Border counties will provide critical funding for work on peace and reconciliation.

Restoration of the Executive has enabled the North-South Ministerial Council to operate fully again. I was honoured in July 2020 to welcome the First and deputy First Ministers to Dublin for the plenary North-South Ministerial Council meeting of the Irish Government and the Northern Ireland Executive, the first in more than three and a half years. In December the Executive hosted a further plenary meeting, although on this occasion the meeting took place virtually due to Covid-19 restrictions. In these two plenary meetings and across the 12 North-South sectoral ministerial meetings, we have worked to advance these agreement commitments and other collaborative initiatives for the benefit of people North and South, and we will continue to do so.

As part of our shared concern to tackle the Covid-19 pandemic on this island both North-South Ministerial Council plenary meetings discussed measures to protect public health and limit the spread of the virus. Rebuilding societal and economic recovery will be a key challenge for the Government and for the Northern Ireland Executive in the period ahead and I believe working together for the benefit of the people North and South will help to unlock the full potential for recovery on this island. The British-Irish Council continued to meet without the Northern Ireland Executive. We were all very pleased to welcome the First Minister and deputy First Minister to the 34th British-Irish Council summit in November last year, which included a very useful discussion on economic recovery in the context of Covid-19.

As we continue to navigate this pandemic, and as we look forward to when we can take ap-

appropriate steps to reopen society and rebuild our economy, the functioning of all the parts of the Good Friday Agreement is critical for us all. Stable and effective power-sharing within Northern Ireland, effective and constructive North-South co-operation and positive and co-operative east-west partnership are all vital dimensions of delivering for all the people of this island and these islands both right now and in the long term. Ensuring that we all, collectively and individually, deliver on the commitments made in the Good Friday Agreement and all subsequent agreements, up to and including the New Decade, New Approach agreement, is how we will ensure the stability and productivity of all those relationships. While they are essential, however, the commitments made at the time of the New Decade, New Approach agreement, are far from being the outer limits of our aspirations for our relationships on this island.

Our shared island initiative recognises that we need to do more on the island, through the framework and institutions of the Good Friday Agreement, to make progress with reconciliation, build a consensus around a shared future and address the issues that matter most for the people. Whatever one's constitutional perspective - nationalist, unionist or neither - this must be a fundamental concern for our shared future on this island. There is no version of the future worth working for that does not have lasting reconciliation between the communities and traditions on this island at its core. The shared island initiative is about seeking out, developing and realising the full extent of the opportunities that the Good Friday Agreement framework gives us in order to ensure that we make progress with an agenda of reconciliation in the years ahead. This is an agenda that everyone on the island - Irish, British, both or neither - can engage with confidently. It does not diminish or compromise anyone's identity or beliefs. The shared island initiative is a whole-of-government priority, and the shared island unit in my Department is tasked with driving and co-ordinating this work across all Departments.

As part of the New Decade, New Approach agreement, the Government undertook to "update and enhance the commitment to jointly funding cross-border investment". That is exactly what we have done by means of the shared island initiative. In budget 2021, the Government announced the shared island fund, with €500 million in capital funding being made available over the next five years, ring-fenced for collaborative cross-Border projects. This complements our existing all-island commitments, including to the North-South bodies, cross-Border health services and the reconciliation fund, as well as the significant support for peace and progress on the island that will be delivered through the EU PEACE PLUS programme. The shared island fund confirms our readiness to invest in our shared future on the island.

I have already outlined how we are working now with the Northern Ireland Executive and through the North-South Ministerial Council to drive progress with long-standing cross-Border infrastructure commitments, such as the Ulster Canal, the Narrow Water bridge project and the A5 road transport corridor. We also aim to develop and deliver a new generation of collaborative cross-Border investments that will contribute to progress on climate mitigation, transport connectivity, reversing biodiversity decline, research and innovation and an economy which fully harnesses talent and capacity right across the island.

As was stated in the New Decade, New Approach agreement, the Government believes that "the North-South Ministerial Council can take forward important, action-oriented dialogue" on "strategic challenges for these islands including all-island cooperation and coordination to tackle climate breakdown." The climate crisis is a generational challenge for us all on the island. We need to strive for ways to address it together. We can achieve far more working in a co-ordinated way than we can separately. I have also had constructive engagement with the British Prime Minister, Boris Johnson, on the shared island initiative and conveyed our readi-

ness to engage on an east-west basis as we take forward this work to address together the shared strategic challenges we face on the island.

As part of the shared island initiative, I also launched the shared island dialogue series to foster inclusive civic discussion on key issues for the future, for example, the environment, in respect of which the Minister for the Environment, Climate and Communications facilitated the discussion, health, education and the economy. We also had a dialogue involving young people living on the island of Ireland, many of whom would have been born after the Good Friday Agreement came into being and who were in a position to give their perspectives on the future living on this island together in harmony and reconciliation.

The shared island unit is also commissioning research, involving the National Economic and Social Council and the Economic and Social Research Institute, that will be published to inform and to stimulate debate, on how we can take forward a shared island agenda in the years ahead. It will focus on areas like environment, enterprise policy, regional development, tackling poverty and supporting social enterprise. Strengthening social, economic and political links is also a key focus. Through the civic dialogue and research work we are progressing, we will deepen our understanding - in Government and in wider society - on how we can best work together on the island in the years ahead, to take up the full potential of the Good Friday Agreement.

Progress with reconciliation will not just happen. We need to work shoulder to shoulder to meet the demands and take up the opportunities of our time. Our shared island initiative is focused on ensuring that collectively, we grasp the opportunity and work towards a shared, inclusive, reconciled future for all founded on the Good Friday Agreement.

This is a critical time for Ireland and Northern Ireland. It is a time when effective political leadership has never been more necessary and when reconciliation should be to the fore. Calm voices are needed, particularly in the post-Brexit context. For its part, the Government will work in partnership with the British Government and the Northern Ireland Executive, through all of the institutions, to ensure that we collectively deliver on our commitments to see the New Decade, New Approach agreement delivered in full. I look forward to hearing the contributions of Deputies on this important agreement.

Deputy Mary Lou McDonald: Just over a year ago, the Northern Ireland Executive and the political institutions were restored following negotiations and the publication of the New Decade, New Approach agreement. Leis seo, bhí deis ann ré nua a chruthú don Rialtas sa Tuaisceart, a bhí bunaithe ar chomhionannas, freagracht agus dílseacht do chomhroinnt chumhachta a bhí fíor agus fadtéarmach. Chomh maith le muinín a atógáil, bhí dúshlán mór ann don Fheidhmeannas mar gheall ar an bbandéim agus an Bhreathimeacht.

Despite these massive pressures, Ministers have shown that things can be done very differently to what has come before. Ministers have shown that locally-based public representatives are best placed to deliver for communities. This has been demonstrated time and again, particularly in the Executive's co-ordination and support of the community response to Covid-19, the delivery of robust financial supports for businesses, workers and families and the roll-out of the vaccination programme.

Major progress has been made in making the Executive work for the people. There is great potential to build on the advancements of the past 12 months that have often been drowned out

by the din of Brexit. However, we are clearly in a turbulent period. The post-Brexit environment was always going to be volatile. This is seen in the reckless attempts by the DUP and Tory Brexiteers to undermine the Irish protocol. The DUP's legal challenge is dangerous, and goes against the clear interests of workers, business and communities. Arlene Foster should turn away from this course and refocus on working with all parties in government to shape a better future for all. It is a time for cool heads, calm leadership and real partnership.

I welcome that the Government has been proactive on this issue. The achievement of the protocol shows what can be done when the Oireachtas follows a unified approach on matters of national interest. Creidim go bhfuil sé fíorthábhachtach go bhfuil cur chuige aontaithe ón Oireachtas maidir leis an gcomhaontú. We all want to see a government in the North that delivers for every citizen. The day of resistance to equality, change and real power sharing must be consigned to history. People want and are entitled to much better. An all-Oireachtas approach could make a significant difference in ensuring that the future of the North is one shaped by co-operation, trust and the fulfilment of agreements made.

2 o'clock

That will require real engagement by the Taoiseach and it means the Government holding the British Government to account for its failure to honour its agreements.

Making agreements is important but keeping agreements is even more so. Progress always relies on the making, keeping and implementation of agreements. For far too long, the British Government has flouted many of its obligations under the agreements it has made in respect of Ireland. Such flagrant disregard demonstrated by the British Government for agreements has been the single greatest obstacle to reconciling the past, achieving progress and charting a better future for the island. It is time for the Government to put it up to Boris Johnson. Now is the time for Downing Street to leave behind the policy of dodging its agreements, see the bigger picture and realise that failure to honour its commitments jeopardises a real opportunity to deliver.

Nowhere is this urgency more required than in the need finally to implement the Stormont House Agreement of 2014. The British Government committed to implementing that agreement within the first 100 days of the New Decade, New Approach agreement. Not only has it reneged on that commitment but in the spring of last year, it made a huge political and policy departure away from the implementation of the Stormont House Agreement. It is very clear that the proposals by the Tories last April were designed to undermine the legal mechanisms already agreed by the British Government, the Government and political parties in the agreement. That cannot go unchecked and unchallenged because the Stormont House Agreement is central and essential to dealing with the legacy of the past. It ensures that all victims of the conflict have access to agreed mechanisms for delivering truth and justice. The undermining and obstruction of those mechanisms is wrong and it is disrespectful to families and communities that have waited for decades. The British Government's resisting of the mechanisms and its citing of bogus national security concerns flies in the face of the task of dealing with the legacy of conflict. Instead of showing leadership, Downing Street continues to cover up for the actions of British state agents, the British Army, the police and the political establishment. This is unacceptable and it must now be confronted strongly.

The need to deal with the past cannot be separated from the imperative of making politics work today. The damage done to public confidence in policing by the absence of parity so am-

ply demonstrated by the PSNI in recent weeks is a testament to that reality. People who have lost loved ones have waited too long for the British Government to get its act together, respect them and embrace the work of reconciliation. There is a pressing need to ensure that the legacy mechanisms of the Stormont House Agreement are now implemented fully and in a human rights-compliant way.

There also needs to be progress on legislation for the protection of Irish language. This is an important part of the Good Friday Agreement and was provided for under the St. Andrews Agreement 15 years ago. The official recognition of the Irish language in the North, as agreed by the parties, will represent a historic step, both practically for Irish speakers and symbolically in terms of parity of esteem for both traditions. It is important that this opportunity is seized and built upon. The enactment of Acht na Gaeilge is crucial to realising a society that is truly inclusive and progressive. Chuir glúin de chainteoirí Gaeilge in iúl dúinn an mhian atá acu Acht na Gaeilge a chur i gcrích tríd an bhfeachtas, Dearg le Fearg. Caithfear anois freagra a thabhairt dóibh. Irish language rights do not threaten or diminish anybody. This is an issue of respect, recognition and rights.

The British Government must also step up to the plate in delivering agreed funding for cross-Border projects. I recognise and acknowledge that the Government has committed €500 million in the budget for cross-Border infrastructure projects that will benefit the whole island. We need to see the British Government deliver its financial commitments of £140 million, on which Brandon Lewis continues to drag his heels. Tá deis ann don chomhaontú a bheith ina ré nua do Rialtas láidir ó Thuaidh.

By embracing a partnership approach and implementing outstanding agreements, we can make politics work. We can shape an environment in which conversations about the future happen in a spirit of respect and with our eyes firmly set on realising the extraordinary potential of our island. This is particularly important as we move towards a century of partition. Partition resulted in profound political, social and economic damage both North and South. It created two reactionary states and stifled the potential of all our people. Now is the time to look to the future with real ambition and to step even further beyond the work of the Taoiseach's shared island unit to shape an Ireland that will fulfil the promise left unfulfilled to many previous generations. As a united Irishman, that future, to me, is one of Irish unity. Others will have come from different perspectives and have different views. Let us have those conversations and debates. Let us prepare for change together as an Oireachtas unified in common aspiration for our island. History will not judge kindly those who choose to ignore the winds of change that now blow at full force all around us.

Deputy Duncan Smith: I welcome the opportunity to speak in this debate. I acknowledge my colleague on the Business Committee, Deputy Mac Lochlainn, who has been calling for this debate on behalf of Sinn Féin for the past couple of weeks. It was nice to see it on the clár today. It is important that we have this opportunity to discuss the New Decade, New Approach agreement, which is a very important agreement.

I am conscious that this is the first time I have spoken on Northern Ireland issues in this Dáil. I hope it will not be the last. Before my time in the Dáil, I was struck by the fact that when people spoke in the Chamber about the institutions of the North, they could sometimes sound patronising or detached. That is something I am very conscious of and I hope I will not come across like that. It is great to see the assembly back after three years. We hope this agreement will ensure that we never again see another three-year period without the assembly being in

operation. We also look forward to seeing the Executive back up and running. An issue that has been lost over the past year is that it is not just about getting the institutions back up and running for the sake of it. Their operation is important for the economy, society, education, climate change and many other issues in Northern Ireland. It is a deep document and one that contains many good aspirations.

I assume the Minister for Foreign Affairs will be responding at the end of the debate. I would like to hear from him regarding one of the legal obligations on the Northern Ireland Executive, namely, the requirement to have an anti-poverty strategy. We do not talk enough about poverty in this Chamber and on this island. Poverty is not unique to Northern Ireland. Unfortunately, there is poverty in every county on this island. An anti-poverty strategy in the North should be matched by an anti-poverty strategy in the South. In fact, there should be a strategy for the elimination of all poverty. I do not wish to go off on too much of a tangent but I will point out that the programme for Government contains 13 references to poverty, but nearly all of them are parsed in terms of fuel poverty or some other type of poverty. The entirety of poverty, including economic poverty and social exclusion, is something about which we need to talk more. I would like to hear what the Government is doing to assist the Executive in tackling poverty, specifically in respect of the anti-poverty strategy that is a legal obligation on the Executive to produce as part of this agreement.

Politics is never static, not least in the North. Over the past year, the global shock wave of Covid and the regional shock wave of Brexit have been felt particularly harshly in the North. This is very difficult and one has to be wary when taking a snapshot regarding Covid because circumstances can change so quickly. There were points during the year when we felt we were doing well regarding Covid but there is now a sense that we are not. We can say, however, that in 2020 Northern Ireland was badly let down by Westminster regarding the Covid response. The strategies were non-existent and the numbers of hospitalisations and deaths were far too high for far too long. This is another example of the lack of respect accorded to Northern Ireland by Westminster and, in particular, by the current Tory Government.

With regard to Brexit, there has also been a lack of respect. The way in which Northern Ireland has been kicked about like a political football by the Tory Government has been absolutely shameful. It is very disappointing to see the DUP and some of the other unionist parties now backing legal action against the Northern Ireland protocol and making its dismantling their priority, be it in Westminster, the Executive, Brussels or the courts. That is damaging and wounding. Ultimately, it will not do the parties involved any good because it will damage many households across all communities in Northern Ireland and here. Given that we must work together to ensure that we are tackling the problems in every community, North and South, including poverty and economic disadvantage, and allowing people to put food on the table and a roof over their heads, it is exceedingly disappointing to see the relevant parties going down the road they are on.

The elevation of Lord Frost to the British Cabinet to deal with the EU affairs has had a somewhat worrying, if not chilling, effect on us all. I refer here to how he is going to approach the protocol, Brexit and the treatment of the document over the next couple of years.

Deputy Fergus O'Dowd: Fáiltím roimh an díospóireacht seo. Tá sé an-tábhachtach go bhfuil na tuairimí á nochtadh againn ó gach taobh den Dáil agus gur féidir linn comhoibriú leo siúd a bhfuil ar an taobh Thuaidh den teorainn. Tá sé tábhachtach, ó thaobh cúrsaí eacnamaíochta agus sóisialta de, go mbeidh an dá chuid den tír seo ag comhoibriú chomh mór agus is féidir leo.

24 February 2021

I welcome this debate. I speak as Chairman of the Joint Committee on the Implementation of the Good Friday Agreement and as somebody from a family whose members have had a variety of backgrounds, as with many people on this island. My father, for instance, had two brothers who fought on the side of Óglaigh na hÉireann in the War of Independence. On my mother's side, we had an uncle who fought in the Second World War and sadly died on the very last day of that war. We have such traditions in our house, as have many others. That is why progress has been made by successive Governments in bringing together the different strands in our society and the different views, North and South, the concentration being on bringing about initiatives and financial supports, particularly the €500 million promised by the Government - this is to roll over across a five-year period - and on significant and important infrastructure projects that will improve relationships and the economies in both the North and the South. That is the key to our future. Our history will never go away but we have to work with those who want to work with us. The Government is working extremely hard in that respect. The programme for Government involves working with all communities and traditions on this island to implement the Good Friday Agreement and to have multi-annual funding for strategic investment in new opportunities. There are new opportunities in health, for example. We should have a North-South cancer strategy. I understand from the Minister for Foreign Affairs, Deputy Coveney, that the Department of Health has had a meeting on this and that there is a working group on it.

I particularly welcome a major project in my constituency, namely, that relating to the Narrow Water bridge. The bridge will have a major impact and help and support the communities on both sides of the Border in terms of tourism and access. This is very close to the hearts of my colleagues in the North, on the DUP and nationalist sides, and in the South. Therefore, there are many good things happening. They are very welcome. The N5 is exceedingly important, as is the concept of the university for the north west. These are all practical projects that will make a great difference to communities and society, North and South.

I appreciate go bhfuil an t-am beagnach caite anois. Tá súil agam go mbeidh níos mó ama againn don díospóireacht seo as seo amach but the debate today is positive and constructive. I have not heard anything from any speaker so far suggesting that we cannot all work together with our colleagues in the North. That is the job of my committee. That is what we hope to do, but nevertheless we need the unionists to participate more in our interaction, particularly with the Joint Committee on the Implementation of the Good Friday Agreement. I am delighted to work on that.

Deputy Brendan Smith: We must work continually to ensure the full implementation of the Good Friday Agreement. We have all been mandated to implement that international agreement through the referendums held in the North and the South in May 1998, both of which were overwhelmingly endorsed by the two electorates. The successor agreements, namely, the St. Andrews, Fresh Start, Stormont House and New Decade, New Approach agreements, also need to be implemented. The Irish and British Governments and the Northern Ireland Executive are obliged to make progress with urgency on the issues agreed. Urgency on the part of some of the stakeholders has sadly been lacking over the years.

Among the many benefits of the Good Friday Agreement have been the development of the all-Ireland economy and the major growth in cross-Border trade. Peace and stability have enabled those welcome developments, leading to much greater integration of the economies, North and South. There is still so much more that can be done to generate more cross-Border economic activity and create much-needed employment opportunities, particularly in rural ar-

eas and the Border region, North and South. Such economic development must be underpinned by the prioritisation of much-needed additional infrastructural investment in areas such as Cavan and Monaghan.

The protocol on Ireland and Northern Ireland agreed in the context of Brexit provides important safeguards to protect the Good Friday Agreement. We need to protect the protocol. We need it to work for Northern Ireland and all the rest of our island. We must recognise that there are challenges in adapting to the protocol. The EU, governments and statutory agencies must all work within the framework to put in place solutions. Full engagement between all stakeholders is needed to deal with teething problems that have arisen. This is particularly urgent for some businesses, such as those in the agrifood sector, with new requirements taking effect from 1 April. The shared island fund, worth €500 million over five years, is very welcome and will be a key catalyst in helping to realise the potential of the Good Friday Agreement in addressing challenges on an all-Ireland basis.

Legacy issues need to be prioritised anew. Sadly, there are so many Troubles-related atrocities and deaths that have not been comprehensively addressed. The perpetrators of so many heinous crimes, including the Dublin–Monaghan bombings and the Belturbet bombing of December 1972, have never been brought to justice. Not alone has nobody been brought to justice for these murders but the grieving families have not got the truth about who planned and carried out the abominable crimes. It is almost 50 years, or half a century, since some of the heinous crimes took place so we need the British Government to co-operate fully and ensure there is a thorough and comprehensive investigation into them, particularly the Dublin–Monaghan bombings and the bombing in Belturbet in December 1972.

Deputy Brian Leddin: I pay tribute to the Taoiseach for his approach to Northern Ireland since the Government was formed. We support the shared-island approach. We have a duty in this Parliament to do whatever we can to support the Assembly and the democratic process in Northern Ireland.

I am a member of an all-island party, a party that rejects labels like unionist, nationalist, loyalist and republican. We reject the false binary that is written into Northern Irish politics, whereby Northern Ireland Assembly Members must choose to designate themselves as unionist or nationalist. The constitutional status of Northern Ireland does not divide the Green Party, and it should not divide society either.

We support the shared-island approach because we believe in common values such as decency, tolerance and respect. From the linen mills of County Antrim to the clothing factories of Limerick city, we share a heritage of hard work and industry. My background as a mechanical engineer is informed by innovation driven by people like Harry Ferguson of County Down and John Holland of County Clare. As a rower in my youth, I competed with rowers from all over this island, including many from our great northern clubs. Together we went on to represent the island of Ireland. Some went on to represent Great Britain too, and I have celebrated their successes. We share this island with respect for our heritage and in the desire to work for a better future. We have much to learn from each other. We can start by respecting the democratic mandate of all those elected to serve while also recognising that the democratic mandate we hold does not absolve us from the obligation to listen to all views.

One year on from the New Decade, New Approach agreement, I urge that we make sure we are doing our part to ensure the provisions of the agreement are adequately resourced. This

State has obligations to support commitments made under the agreement and we must make sure we are doing everything we can to ensure the institutions and provisions are properly resourced.

I have a deep love for this shared island of ours, its beautiful and rich landscapes and its diverse people, who continue to exert an enormous positive influence on the world. We have different traditions and identities on this island but that is not a weakness. It is a source of strength.

Deputy John Brady: In this moment, we have the vantage point of being able to look back at a century of partition and all it has entailed. We look back at a linear progression of misery, despair and hopelessness, pitted with milestones of suffering. This year marks the 50th anniversary of the Ballymurphy massacre and the introduction of internment.

The Good Friday Agreement provided us with a new point of departure, a moment that allowed for an historical pivot which faced our island into a future that allowed us to garner hope. We discuss today the progress made under a new mechanism designed to provide fresh momentum towards a just and lasting society. It is a journey that I and increasing numbers of people North and South of the Border believe will culminate in unification. There is no doubt that there are challenges ahead. There will be disagreements and, in all likelihood, heated words but that is politics. That, indeed, is progress. The momentum and consensus on this island around addressing the legacy of our collective past and recognising and celebrating our respective cultures on a basis of equality and the developing discourse on Irish unity will not be abated or derailed by Tory indifference or the small minority of people in the North who, operating from a place of fear, seek to hold on to a past that has dissipated with progress.

The onus is now on the British Government to reciprocate by simply living up to its obligations and promises and delivering on its undertakings. This includes meeting its financial commitments and honouring and implementing commitments in New Decade, New Approach and the Stormont House Agreement and on dealing with the legacy of the past. We also need to see legislation enacted to ensure respect and protection for the Irish language and identity.

If Brexit and Covid-19, with their devastating financial, social and health impacts, have taught us anything in the past year, it is that we need an all-Ireland approach to health, the economy and infrastructure. The Good Friday Agreement set out the context for a referendum on unity. The agreement asserts that it is for the people of the island of Ireland alone to shape our future and exercise our right of self-determination on the basis of consent freely and concurrently given North and South. A new and united Ireland must be a place for all, whether one is Irish, British, both or neither. The orange and British identity is important to a section of the community who share this island. It is, therefore, important to us all. The Government has a duty and constitutional obligation to prepare for unity and the referendum on unity. Our future as an island lies together.

Deputy Patrick Costello: I am struck by An Taoiseach saying that it is important for Northern Ireland to have effective government. I think that is a requirement for everyone, but when we realise that much of the New Decade, New Approach agreement is uncoded and that the Northern Ireland Affairs Committee in Westminster recently heard that the €2 billion pledged already will be insufficient to meet the commitments in New Decade, New Approach, it raises questions as to how effective the agreement will be.

One of the other issues we need to look at is the block grant from Westminster to Northern

Ireland and the Assembly. The grant has effectively been stagnant, meaning its power to deliver has been eroded over the years by inflation. With an uncosted agreement, vague commitments that are not being followed through on and only 13 months left in the assembly's term, many are asking how much will actually be achieved. That speaks to the need for the Irish Government, as one of the many parties involved, to push for effective government and proper achievements. We need to show leadership down here too. Victims and survivors look not just to London but to Dublin for leadership on the issues of legacy and the implementation of the Stormont House Agreement. For the Independent Commission on Information Retrieval to function properly, legislation will be required in both Dublin and Westminster, yet in seven years we have seen no legislation come to the House and no attempt to push legislation to establish the independent commission. That would show leadership and put moral pressure on the British Government to act. We need to look not just to London but to Dublin and at what we can do here to implement these agreements.

Deputy Neale Richmond: I appreciate the opportunity to share a few thoughts in this very important debate. I commend the Minister for Foreign Affairs, Deputy Coveney, on his efforts just over a year ago, with his former colleague, the then Secretary of State, Julian Smith, to make this agreement possible and get the Northern Ireland Executive back up and running. I was taken with the Taoiseach's opening remarks. The work he has done on the shared island initiative shows a personal and political commitment that should be an example to all of us in this House.

I am struck by the generous and reflective tone of the contributions to this debate from Deputies of all parties and none. When we talk about this issue and our shared island, that is the tone we should adopt. We need to approach this issue in a sensitive and humble manner and be aware of the possibilities and opportunities for every resident of this island, regardless of political affiliation. We need to see the practical political realisation of the aims of the Good Friday Agreement and, with no predetermined outcome or objective set in stone, we need to take this opportunity to regularise the North-South and east-west institutions of the Good Friday Agreement. They are grossly underutilised. That goes for the North-South Ministerial Council, the British-Irish Intergovernmental Conference and the British-Irish Parliamentary Assembly, which is co-chaired by my colleague, Deputy Brendan Smith. If we had a formal calendar for arranging these meetings on a bimonthly or monthly basis, we would get the consistent political engagement we need, particularly on a North-South basis but also through the shared island approach of reaching every sector of society.

It should become normal for people from County Clare to go on their holidays to the north Antrim coast and for Leinster fans like me to go to Ravenhill, when travel is allowed in due course. We need to demystify many issues and ensure our Republic is a warm and welcoming place for everyone on this island. When we tackle those practical, personal and long-standing obstacles, we will move much further along. As I conclude on that note, I join with others in condemning the attacks and threats made to the Minister, Nichola Mallon, this week. They are absolutely disgraceful. I know we are better than that as a people and an island. I will conclude with that. I thank the Leas-Cheann Comhairle very much for the opportunity to speak.

Deputy Cathal Crowe: I am glad to have some speaking time on this topic today. The New Decade, New Approach agreement aims to initiate inclusive discussion on how we can all thrive on the island of Ireland. We must live in harmony and respect our island's complex history. I want to briefly speak on history because if the general election had not gone well, I would probably be in a classroom right now teaching history.

This time 12 months ago, I sparked what probably become a national debate overnight by refusing to attend a State commemoration for the Royal Irish Constabulary. That commemoration was ultimately abandoned and it was the right thing to do. I really want to state on record in this Chamber that our island's history must be preserved and remembered. It should, however, teach and prevent us from repeating mistakes. It should also not be the sole guiding light for the sculpting of the future of our islands. I hold the bedrock political belief, and always have, that Ireland as an entire 32-county island should be united as one nation. The united Ireland I see being realised, hopefully, in my lifetime, differs to that envisaged by Eamon de Valera, Constance Markievicz and company. Brexit and Covid-19 have taught us that this island requires huge co-operation across borders. People now look at many different metrics in terms of a shared Ireland, or even a united Ireland, regarding things such as the economy, healthcare systems, taxation etc.

I note that our colleague, who is now Cathaoirleach of the Seanad, Senator Mark Daly, undertook a number of studies. He looked at the different metrics to which I have just referred, for example, the economy, health systems and judicial systems, and compiled an extensive report on each. That is the direction in which the Taoiseach's Department and the nation need to be going. Over the next decade and beyond, we need to look at continuing along in the vein of the Good Friday Agreement in constructive dialogue with our counterparts in Northern Ireland and those who represent the United Kingdom in the Parliament of Westminster.

Ultimately, since the foundation of Dáil Éireann in 1919 and as we approach the centenary of partition and our statehood, the belief of our country, from its existence right back to a century ago, has always been that we would be a united country. We can only do so by using modern metrics such as the economy, medical systems and transportation systems. We need to look at those modern 21st century metrics, not just which flag flies above State buildings.

In that regard, the work undertaken by Senator Mark Daly, as the sole paddler of a canoe in the Seanad in the previous term, should be taken on by the State as a meaningful document to guide discussion, hopefully, leading to a united Ireland in our lifetime, happening in the right way that sustains people on both sides of the island and that respects traditions in all corners of the island.

Deputy Matt Carthy: On 5 February, a group of survivors and families of victims of the Ormeau Road massacre gathered at the Sean Graham bookmakers, where on that day in 1992, five innocent men were slaughtered by loyalists with the assistance of British state agents. In what subsequently became notorious scenes, the PSNI disrupted the small dignified ceremony and arrested Mark Sykes, one of those who was actually shot but managed to survive the attack.

These events have highlighted again the acute and sometimes double standards that have applied to the conflict in our country and, just as importantly, to the resolution of legacy-related issues. Thousands of families still await truth and justice. The process for resolving these issues was agreed at Stormont House in 2014. However, one signatory to that agreement, as it happens, probably the most important signatory, has failed to live up to its responsibility. The British Government has steadfastly refused to adhere to its agreed actions and, in fact, has stubbornly resisted all efforts to deliver truth to bereaved families. This can be seen recently in its refusal to establish a public inquiry into the murder of Pat Finucane. The Finucane family and the Ormeau Road families are among hundreds of people bereaved at the hands of loyalists who operated with the support and frequently the direction of British forces. Often, these actions occurred in this State, including bombings in Dublin, Monaghan, Castleblayney and Belturbet

and the assassination of John Francis Green. Often, British forces cut out the middlemen and murdered Irish citizens directly.

This week marks the anniversary of the death of Aidan McAnespie. Aidan was just a 23-year-old man when he was shot dead in 1988 by the British army at Aughnacloy, near the Monaghan-Tyrone border, while he was walking to a football game. The British army had repeatedly warned Aidan and members of his family that it intended to get him, and it did. His family have since campaigned for truth and justice. I want to put on the record of the House today our pride and esteem in the McAnespie clan for their dignified and determined efforts. I repeat their often-made call for the Irish Government to publish the Crowley report, which was conducted after Aidan's murder. It is the least they deserve.

I want to put on record that all families who were bereaved during the course of the conflict, regardless of which organisation was responsible whether they be republican, loyalist, British or other state forces, deserve truth and justice. An assurance is needed that there will not be a hierarchy in respect of legacy resolution as there was during the conflict. Of the hundreds of murders carried out directly by the British army, only four soldiers served any time in prison. Not one served more than five years and all were readmitted to their forces. Their victims have been denied justice, and very often truth, on every occasion.

Therefore, as we look forward, which is what these debates must be about, we must recognise that every year of justice delayed is justice denied and injustice compounded. The process that was agreed at Stormont House must be enacted and this House must be united in that call.

Deputy Bríd Smith: A year on, the New Decade, New Approach deal speaks volumes about what was originally in it. Other Deputies have referred to the fact that many of the proposals in the deal have been aspirational without any effort to include proper figures for spending, giving a real cause for concern.

Behind the headlines, however, repeated references to the need for rationalisation and efficiency reviews, which is political speak for austerity and job losses, proposals to deal with a further reform of the Northern Ireland Civil Service and the rationalisation of what they call "arm's length bodies" are a thinly veiled confirmation that the Executive and the Assembly intend to continue with their long-running practice of gutting decently-paid jobs in the public sector. What one year on tells us more than anything else is how partition has served this entire country so poorly, particularly given that was the year of Covid-19. North and South of the Border, we saw a lack of co-operation and collaboration, and indeed, a lack of dealing with health in a unified all-island way. I am not convinced enough was done by any member of Government or any member of the major parties in Stormont to really push for an all-island strategy. As I said, partition has served us poorly since James Connolly predicted it would create "a carnival of reaction". It has, however, served us most poorly indeed over the last year. We need to get over ourselves and look to creating that all-island health service which is so urgently needed.

I note too with a sense of incredulity, to be honest, that the cash for ash scandal, that is, the renewable heat incentive scandal that collapsed Stormont the last time around, was to be dealt with by the establishment of a committee which would look into changes that would be needed as result. However, none other than the very person who was at the helm of that debacle is involved in establishing that committee and yet, we were promised there would be no return to the *status quo*.

There are some welcome suggestions on the Irish language. I believe, however, many activists in the Irish language will be very disappointed with the overall outcome of it. I want to finish by saying that People Before Profit, as the only socialist presence in the Assembly, will do all we can to hold the Executive to account and learn the lesson that real change comes from below, as per the nurses and health workers.

Deputy Mick Barry: Last year, with the return of the Stormont Executive, we were promised a new decade, a new approach. It has been a turbulent year but what is the verdict one year on? Last week, the BBC Northern Ireland “Spotlight” programme focused on the level of reliance on food banks by many in Northern Ireland, particularly young workers. It shone a spotlight on the number of people who are really struggling during this pandemic. The show said that the Stormont draft budget was a slap in the face for those young people and others who are relying on services that are now facing cutbacks. Are we going to have a new approach on this question or will it be like the decade from 2010 to 2019 when the parties in the Stormont Executive passed on the cuts and attacks on working people that Westminster imposed?

Will we see a new decade with a new approach for women on the issue of abortion? We will not if the DUP has its way. The DUP is cynically using the concerns of disability activists in order to push back against women’s rights on the abortion issue. There is a big question there for Sinn Féin and for the other MLAs. Will they back the campaigns being organised by women and trust women or will they let the DUP away with these attacks on the right to choose?

Since the start of the new year we have had some serious warnings on the dangers of sectarianism, not least the threats against port workers and others. A coming together of sectarian parties at the top does not constitute a new approach for a new decade. What would do so is an anti-sectarian and socialist alternative from below that is built in and across both communities. That is how we will have a genuine new decade and approach.

Deputy Cormac Devlin: I welcome the opportunity to examine the implementation of the New Decade, New Approach agreement. This agreement was published in January 2020 in an effort to re-establish the Stormont Executive and to initiate a series of badly needed reforms to public administration in the North for the benefit of all its citizens. By and large, the comments and contributions by Deputies today have been cordial and positive and that is welcome.

It should be noted that there are still outstanding commitments from the Stormont House Agreement and the Fresh Start Agreement. It is critical that the New Decade, New Approach agreement does not become like other half-implemented agreements. One significant aspect of this agreement is the increased funding that is promised. Big commitments were made last year and I understand just £1 billion of new money was delivered by the UK Government to it. I call on the Minister for Foreign Affairs to keep up the pressure on his counterpart in London to deliver on those commitments.

I welcome the establishment of the shared island unit in the Department of the Taoiseach. The unit was allocated a €500 million budget for five years. This innovative shared island fund will ensure the Irish Government meets its commitments to the citizens of the North and of the wider Border region. As we enter the post-Brexit era, the shared island fund will see investment in the region in all-island initiatives such as research, health, education and the environment. This will enhance the all-island economy, society and improve North-South co-operation. I await further progress in areas such as infrastructure, energy and innovation. It should be noted the shared island fund goes beyond already agreed funding for the North-South bodies, such as:

the reconciliation fund, cross-Border health arrangements, and the EU support for the region via the EU PEACE PLUS programme. Taken together, the commitment by the Government amounts to over €1 billion of funding out to 2025.

The Taoiseach's vision in this regard and his commitment to improving North-South relations need to be commended. The shared island fund is central to harnessing the full potential of the Good Friday Agreement, to deliver sustainable progress for all communities and ultimately to lay the groundwork for a more united island.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this important subject. At the outset I congratulate An Taoiseach and the Minister for Foreign Affairs for the tremendous work they have done and continue to do. I include past Taoisigh and Ministers for Foreign Affairs in that as well. It is no harm to take stock. Politics has many challenges around every corner. Brexit was one such challenge and Covid was another. Those two challenges came together and it was not to the advantage of anybody that this happened.

I want to emphasise one or two points. When the late Reverend Ian Paisley and the late Martin McGuinness concluded, agreed to and signed up to the Good Friday Agreement, they achieved something that many of us did not think was possible in the climate that had prevailed on the island of Ireland for the previous 30 years but they did it. I believe they did it for a good reason. They had learned from their experiences and they had wondered how much had been contributed to society as a result of the previous 30 years. They rightly concluded that it was time to sit down together and pursue a common goal for the common good. They were successful in that and we should recognise the scene and the example they set, notwithstanding the respective positions they came from.

The shared island concept is excellent. It is in that area that I want to address a few words. I had occasion in a previous Dáil to see the efforts and success of work undertaken by Trevor Ringland and Hugo MacNeill at community level in Northern Ireland to address the issues and concerns of unionists who felt that they had been deprived of certain positions as a result of the Good Friday Agreement. They were successful and that work needs to be continued. Strange as it may seem, we cannot aspire to a united Ireland without remembering that the people have to be united first. We have to have a common goal. The people, North and South, must be facing in the same direction and have the same common objectives. If we do not go that way we will not have success. Let us not forget that the history of next year and the next decade will be written on the basis of the decisions that we take now.

We may well have to offer further financial assistance when the occasion arises in the near and medium-term future. This will do two things. It will show our commitment to the issues that we claim responsibility for and aspire to and that will be a good thing. It will also show that we are prepared to make sacrifices to address the issues of any imbalances that may occur in Northern Ireland. It is not just sufficient to say that on the one hand we want a united Ireland and at the same time we want the British Government to intervene more by way of supporting the concept that existed for generations. It is hugely important that we look carefully and closely at the degree to which we may have to expend money in the future to support the institutions that are there now to reassure the general public and to make certain that we do not slide back into recrimination and counter-accusation that was the pattern in the past.

We can learn a lot from history and I hope we have learned already. We have enough history between the institutions on this island, North and South, the population on both sides of the

divide in Northern Ireland, and with our colleagues across the water in the UK. We have established enough ground there already. As her majesty, the British Queen said, when she spoke in Dublin Castle about the things that happened between the two countries, it might be better if some of them had never happened at all. It is no harm to reflect on that because it means a lot and if it does not mean a lot to us then we have not read our history properly.

We can do a lot more. We can still do a huge amount in supporting those who have concerns on both sides of the political and religious divide in Northern Ireland. We need to move away from those old-fashioned concepts and move into something different. We need to assist the people in Northern Ireland in achieving a forward progress that is useful from their point of view, useful from the point of view of the all-island concept and useful to peace and prosperity on the island of Ireland.

Deputy Rose Conway-Walsh: One of the most important elements of the New Decade, New Approach agreement and of all the preceding agreements, is the provision of educational innovation and research opportunities across the island. The agreement commits the Irish Government to delivering for the people of the North on a sustainable economic basis. A post-conflict education system must be underpinned and permeated by the principles of the Good Friday Agreement, by parity of esteem, by mutual respect and by equality of opportunity. Indeed, the absence of an education system reflecting these principles will impede and delay the vision we all share for a new Ireland. The integration of third level education across this island is no threat to anybody's identity. Expanding and creating educational and subsequent employment and enterprise opportunities for everyone, regardless of their religion, their constitutional preference or where they live, is the responsibility we must all live up to. We must move beyond the pilot stage of models of good practice by resourcing and mainstreaming these models.

We must prioritise the removal of unnecessary barriers. One of the most obvious of these is the mutual recognition of professional qualifications in a post-Brexit environment. While I appreciate recognition is currently being given on a sectoral regulator-to-regulator basis, we need to establish a permanent framework, using the common travel area the protocol and bilateral agreements, to provide certainty and clarity.

The commitment in the New Decade, New Approach to bring pupils together from schools, North and South, from the national and unionist communities to discuss issues of mutual concern and learn from each other must be advanced. The target of 100 such cross-Border engagements per annum must be reached. Any delay on this initiative caused by Covid restrictions must be made up for.

The development of an all-island research hub is crucial to the sharing and maximisation of our expertise for the benefit of all communities. Research and development capacity is a key driver in economic growth and social development. While partition remains a fault line running through our society, we need to find ways to minimise its ability to separate us. Obviously, the conclusion to that is Irish unity.

The impact of partition is glaring when we look at the movement of third level students. Sadly, cross-Border enrolment on this island is extremely low. We have seen a decline of almost 40% over the past ten years in the number of students from this State studying in the North and students from the North make up fewer than 1% of enrolments here. This represents a complete failure of our young people. Going to university in Belfast should be the same as going to college in Cork. There needs to be one application system for colleges for all students

across the island. The development of a technology university in the west and north west is an opportunity for us to link educational opportunities along the western seaboard to the Ulster University Magee campus and beyond.

My party leader spoke earlier about Acht na Gaeilge being a core component of the New Decade, New Approach. At the time, the Minister stated that it was a win for those passionate about the Irish language. We cannot ignore what is happening in respect of the Irish language in the North. As recently as last night, we had a situation at Lisburn and Castlereagh Council where my colleagues were interrupted and attempts made to shout one down when he opened his remarks in Irish. This cannot be allowed to continue. We need to play a part in condemning that and ensuring that it does not happen. The Irish language is a language for all. It is a language for the universal.

An Ceann Comhairle: Deputy Fitzpatrick is sharing time with Deputy Tóibín.

Deputy Peter Fitzpatrick: I very much welcome the opportunity to take part in this debate. As we all know, the New Decade, New Approach agreement was signed in January of last year and it was to bring a lot of hope and opportunity to the people of the North of Ireland. Nobody could have predicted then the great difficulties we were about to and continue to face. At the time, we had Brexit looming large and today it is on our doorstep creating much difficulty for people and businesses on both sides of the Border.

Unfortunately, what the Covid pandemic has shown us is that the deep divisions in the North are as strong as ever. We have seen over the past 12 months those divisions played out in public as the island struggled to come to terms with both Brexit and the Covid pandemic. My view on this is that spoken words are the easy option when what is needed is real work and action on the ground. There have been many words spoken and promises made but, in reality, little has changed and very little action has been taken.

During the Covid pandemic, I have constantly called for an all-island approach. Before Christmas, when the incidence figures in the North were among the highest in the world, I called for the closure of the Border for all but essential workers and travel. It was no coincidence that the rate of infection in counties along the Border went through the roof. It was clear at the time that the approach being taken on both sides of the Border was different and was leading to very different outcomes. Only a couple of weeks ago, when we introduced additional powers to allow the Garda to stop those crossing the Border for all but essential reasons, it was noted that the PSNI was not doing the same on its side of the Border. In Dundalk, it was quite clear from the amount of Northern Ireland-registered cars driving through the town centre that the 5 km rule was not being observed.

On related matters, I praise the Northern authorities on the speed at which they are now administering the coronavirus vaccine. This has been a credit to them and put in perspective our cumbersome approach on this side of the Border.

Another matter I would like to raise is the reported legal challenge that the DUP and other unionists are making to the Northern Ireland protocol in the EU-UK Brexit deal. It is reported that they will make a two-pronged legal and political attack on the protocol. It is understood that the DUP's five-point plan includes a boycott of the North-South ministerial engagements on issues relating to disputed trading arrangements as well as an online petition which has secured the party's parliamentary debate on the protocol. No doubt this legal action will create

even more political division in the North and raise tensions. I would like to know if the Government has spoken to its UK counterpart in respect of this matter. The Government should be making the point that in order for Brexit to work for everyone, we need to put politics aside and deal with issues in economic, social and practical contexts.

In the New Decade, New Approach agreement, reference is made to a number of the commitments given. There are two that I wish to raise here. The first relates to the funding for the A5. The Government has pledged £75 million for this project. I would like to know if that funding is still earmarked for the project. If it is not, can we secure a commitment that these funds can be used for other projects instead, include that relating to the Ardee bypass. The second matter I wish raise relates to Casement Park. Under the agreement, a commitment was given that funds would be set aside to develop the grounds there. As chairman of the Louth County Board, like other GAA people I am sad to see the decline of these grounds. Can we get clarity on these issues?

Finally, I would like to discuss the issue of third level education and the potential difficulties many of our students will face when they attempt to enrol in courses in Northern Ireland and the UK. Can the Government confirm that it has discuss this matter with the UK Government and that arrangements are in place to facilitate seamless application for students on both sides of the Border to attend third level facilities such as Dundalk Institute of Technology?

The New Decade, New Approach agreement contains many promises but, unfortunately, there has been a failure to deliver these. We all look forward to a day when politics, particularly north of the Border, can be more inclusive and when those involved can work for the betterment of those on all sides of the community.

Deputy Peadar Tóibín: The Good Friday Agreement and the Executive that flowed from it helped to bring an end to the Troubles and one of the most tragic conflicts in the world. The Good Friday Agreement was an incredible achievement. The institutions that were created, in comparison with what went before, represented incredible progress. However, we have to get real. Twenty-three years later, those institutions are proving to be incredibly dysfunctional. The New Decade, New Approach agreement came about because the five parties in the Northern Ireland Executive could not work together. That the North was without an Administration for three years while MLAs were each getting paid is the definition of political dysfunction.

If one measures the outputs of Stormont, it does not fair too well. By means of a freedom of information request, Aontú Councillor Emmet Doyle in Derry found that between 2010 and the start of the pandemic, the five parties of the Executive, including Sinn Féin, the SDLP, the DUP and the Alliance Party, cut 887 beds from the hospital services in the North. This has proven catastrophic in the teeth of Covid as patients had to be treated in hospital car parks. Policing came into sharp focus recently. In that context, the shocking events on the Ormeau Road in Belfast a few weeks ago constitute another example of why northern nationalists' confidence in policing is at such a low ebb. I might also mention the Stormont House Agreement, the Irish language and the fact that poverty is wholesale in many parts of the North. There is economic dereliction in many parts, especially west of the Bann.

All of this is happening under the gaze of the Stormont regime. That regime and the Executive are affected by in-built instability.

3 o'clock

If one party seeks to throw its toys out of the pram, the whole of the North lurches into crisis. The people of the North of Ireland deserve better than such instability and dysfunction. It is time for us to understand that Stormont is not fit for purpose and for the people of Ireland, North and South, to start working together to see how Stormont can be reformed and what comes next. That is why I ask the Minister to ensure that the Government constitutes an all-Ireland forum so that we can start the discussion on the development of stable, all-Ireland, democratic institutions.

Deputy Richard Bruton: I welcome this debate because it comes at a difficult time. As we have seen in recent weeks, tensions are high in the aftermath of Brexit. We should view Brexit not as a trap to try to confront the constitutional issue, which is so divisive in Northern Ireland, but as an opportunity to show that we can offer a practical partnership in helping people in Northern Ireland to confront some of the problems they face. Ironically, the EU's blunder may be an opportunity for Ireland to demonstrate its capacity within the EU to watch out, as we are obliged to do under the Good Friday Agreement, for the interests of people on all sides in Northern Ireland. This is not a time for delighting in the discomfort of the unionist community or for reinforcing the binary politics that have been so damaging in Northern Ireland. It is a time to seek to understand the challenges that those communities face, and it is important that we do so now.

Over the summer, I had the opportunity to read *Say Nothing: A True Story of Murder and Memory in Northern Ireland* by Mr. Patrick Radden Keefe. His book shows the sense of betrayal that many people who have been willing to give their own lives and injure or kill other people in the pursuit of their goals are likely to feel in any political vacuum that might emerge. It is important that we use the concept of a shared Ireland to create a new arena where we can find aims that we share in common and work together to achieve them.

It would be remiss of us today not to consider another community that is struggling to protect its parliamentary institutions. I speak of the people of Myanmar. A junta seized power on the day a new parliament was to convene, a day of great hope for the people of Myanmar, based on trumped up complaints about election procedures, false and threadbare accusations against the political leadership and enforced digital surveillance. As a country that has seen the benefit of democratic institutions, we need to stand up and support those in Myanmar who are calling for the restoration of their democracy.

Deputy James O'Connor: As the youngest Member of the House and the first to be elected to the Dáil whose lifetime has only known peace under the Good Friday Agreement, I wish to discuss the need to ensure that we create a shared island that is inclusive and tolerant of all people on it. When we move towards a shared island, we must continue to engage in open dialogue with all of the people on it to ensure that every person's voice is heard. We do not want to end up with a situation where sections of society feel abandoned or excluded. This is an important consideration.

I welcome the continued use of the all-island civic dialogue as a forum for addressing British-Irish related issues. The concern that the invoking of Article 16 has caused in Northern Ireland is a serious problem. The protocol must work, and be seen to work, for Northern Ireland's people and businesses. Brexit is a shared problem for this island and we can overcome the worst of its effects by working together.

I am a great believer in building economic ties through shared business networks and capital

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infrastructure projects. Yesterday at the transport committee, I raised the potential for Ireland to engage with our British counterparts following Britain's proposal to construct a tunnel between Northern Ireland and Great Britain. It would be an excellent way of continuing to build North-South and east-west relations. It is through such open dialogue and shared economic interests that we can continue to strengthen economic relationships across the islands.

We must expand and develop mechanisms for engagement between the Houses of the Oireachtas, the Northern Ireland Assembly, the UK Parliament and the devolved assemblies in Wales and Scotland. It was a great honour to take part in the British-Irish Parliamentary Assembly on Monday.

We must continue to ensure that each Department maintains strong links with its Northern Ireland counterpart and that the Northern Ireland Assembly continues to work effectively. It is only through working together and showing the positive benefits of doing so that we can hope to move together towards a stronger relationship on the island.

Deputy Paul McAuliffe: In light of the threat of a collapsed Northern Ireland Executive and increased community tensions, it is timely that we review an agreement that was born out of similar circumstances. The Good Friday Agreement was an opportunity for us to demonstrate how a shared island might lead to a united Ireland. The commitments that the Irish Government gave in the New Decade, New Approach agreement, in particular those around infrastructure, are tangible examples of how that shared island can be developed. Our Government has made a strong commitment not just in words, but in financial terms by allocating €500 million to the shared island fund for cross-Border infrastructure. The North-South Ministerial Council has focused on the Ulster Canal and the Narrow Water Bridge. Recently, the Taoiseach met the North West Regional Development Group to update it on the shared island unit. The Irish Government has the willingness and funds to progress cross-Border investments. I want to see that same willingness and commitment from other parties to the agreement.

I compliment my SDLP colleague, the Minister of Infrastructure, Ms Nichola Mallon, MLA, who has met the Minister for Transport, Deputy Eamon Ryan, to commence a feasibility study on a high-speed rail link between Belfast, Dublin and Cork and may have ambitions to include Limerick and Derry. Today, a £250 million city deal was confirmed by the British Government. The Minister, Ms Mallon, and Mr. Colum Eastwood, MP for Foyle, campaigned for many years for that deal, which will include funding for the A5. The Irish Government stands ready to meet its long-standing commitment to contribute funding to that road upgrade. Last year, I had the privilege of welcoming to Dublin the campaign for a university in the north west. We are working on how to use the shared island unit to progress that concept. The real challenge for New Decade, New Approach is not in naming these projects, but in funding and delivering them and in working out the day-to-day issues facing governments in any infrastructural project.

Someone told me recently that, in the Good Friday Agreement, many Irish people had let go of the Articles 2 and 3 claim to the North in return for a shared institution in the North and being part of a wider relationship between Britain and Ireland and within Europe. That shared institution has not worked to its fullest since then and, unfortunately, the relationship between the islands has become more stressed due to Brexit.

Before we proceed in the march towards unity – that is absolutely where I would like us to go – we must demonstrate that we can share this island and do so through the institutions of the Good Friday Agreement. Saying that is easy for us in the South, given that we are not at

the coalface, but I encourage everyone sitting around the Northern Ireland Executive's table to make use of the institutions, not lurch into collapse and instead work towards a functioning government.

Deputy Carol Nolan: Tá áthas orm labhairt ar an topaic seo. Tá sé fiorthábhachtach. The New Decade, New Approach agreement was brokered to help restore confidence in devolved government at Stormont. It was a welcome move, as it underlined the necessity for all sides to work as constructively as possible in order for the people of the North to have some kind of stability, which they richly deserved. Perhaps we could do something similar in the South.

On a more serious note, the issues under discussion – stability, good governance and so on – do not exist in a political vacuum. They are taking place in the context of a renewed focus on the shared nature of our island and the need to speak proudly, but with respect, to the varied political and historical loyalties that exist on it. That is why I recently submitted a parliamentary question to the Taoiseach asking for an update on his Department's shared island unit. As part of his reply, the Taoiseach confirmed that €500 million will be made available until 2025, ring-fenced for shared island projects and multiannual capital funding for investment on a strategic basis in collaborative North-South projects that will support the commitments and objectives of the Good Friday Agreement. I am happy to see that Border counties and others will benefit from this proposal.

Maidir leis an Ghaeilge, ba chóir go gcuirfí reachtaíocht a bhaineann leis an teanga, cearta daonna, cearta teanga Gaeilgeoirí agus Acht na Gaeilge i bhfeidhm gan moill. Rinne eagraíochtaí mar Chonradh na Gaeilge sárobair agus bhí feachtas láidir acu ach tá níos mó ag teastáil anois. Ba chóir go mbeadh an Ghaeilge agus na cearta atá ag daoine sna Sé Chontae maidir leis an Ghaeilge cosanta ó thaobh an Achta agus an reachtaíocht de. Tá súil agam go dtarlóidh sé sin.

It is true that tensions are very high in the North. There are serious and widening levels of disagreement around Article 16 and the Northern Ireland protocol. It is critical, therefore, that our rhetoric on these and other matters is not deliberately inflammatory or divisive. In that regard, I welcome all measures that aim to create light rather than heat and mutual respect for all traditions on our island.

Deputy Mattie McGrath: I am delighted to speak on this today. I salute the architects of the Good Friday Agreement and the peace that we now enjoy. I look forward to the New Decade, New Approach agreement. I happened to be in the residence of the British ambassador in Washington two years ago, on the day before St. Patrick's Day. The most senior civil servant in Northern Ireland at the time, whose name eludes me but I am sure the Minister knows him, had to take the stage instead of the First Minister or deputy First Minister, who were there, because they were not active or functioning. He was quite annoyed. He left his hair down because he was retiring. He really gave out that they did not get their act together and were not working together. I think of all the work done by the likes of the former Minister of State and Senator, Martin Mansergh, Fr. Alec Reid and many others, including the former Taoiseach, Bertie Ahern, to get the peace we have and then we see the legacy issues that are not being dealt with.

Before we can really embrace the New Decade, New Approach agreement, we must deal with these legacy issues. If we take the Omagh bomb and Mr. Michael Gallagher and his family and the other families, it was a terrible atrocity. The former Taoiseach, Enda Kenny, promised to meet Mr. Gallagher, and said what he would do for him, but when he got into power he abandoned him like a hot potato. He promised he would get truth and justice with Fine Gael in

government but it did not happen.

The former Garda John White died during the year. His mother was laid to rest only last week. She was broken-hearted after the way her son was treated. He made efforts to ensure the Omagh bomb was not delivered or planted. He was mistreated and sidelined by the Garda powers. He was made a scapegoat. We must deal with these legacy issues.

Recently, it was the anniversary of Aidan McAnespie. I did not know him but my wife's brothers and sisters worked with him in Monaghan and the treatment he received and testament he told them. Every other day he arrived in work late because of blackguarding, skulduggery and ill-treatment at the checkpoint in Aughnacloy. It was common knowledge they were going to do something serious to him and they murdered him.

There has been no sign of any meaningful investigation or inquiry into these issues. Where are the new decade, new visions and new approach? We must sort out the legacy issues and we must be meaningful, honest and upfront. We can only do so much down here but we must not mislead families in the North who want justice or play politics with them and then abandon them. I salute Michael Gallagher and what he does every year on the commemoration committee. He continues to go through trauma. We must be honest with ourselves and be fair and reasonable to the people who expect us to help them.

Deputy Thomas Pringle: I thank the Ceann Comhairle for the opportunity to contribute to this debate on the New Decade, New Approach agreement. It is certainly hard to see progress in the North when the assembly and institutions are constantly in flux. This is the nature of the peace process and we have become used to it. This should not really have been the outcome but sadly it is. Partly it is the nature of the compromises that had to be made in the dysfunctional society that prevails in the North, a consequence of the occupation, conflict and attempt to make a society that represents all and works for all.

An attempt has been made to show that an elected body could work and that the aspirations of all members of society could be met by the assembly. It is important for all the people of the island that the system works and shows that it works. Eventually, what we in the South will have to show the unionists in the North is that, ultimately, they would be better off in a united Ireland. If anything, the Brexit fiasco has shown that in reality the UK does not really care about the North and will use it for its own ends.

There are a number of things that are necessary for the functioning of a society. We must have confidence in a performing police service that represents all the people and works for everyone. Unfortunately, a recent case has highlighted, although not, it seems, in a sectarian way, that all societies need a police force they can depend on. I am speaking about the case of Noah Donohoe. As most of us in the House will remember, Noah was a young 14-year-old boy who went missing last June in Belfast. Six days later, his body was found in a storm drain in a part of the city that he did not know nor would have gone to at any time. There appears to have been a failure of action by the police that is leaving Noah's family in the horrific position of having to investigate this crime on their own. They have identified and rebuilt Noah's last journey by walking the route and identifying and following up on hundreds of security cameras that cover it. They have identified things the police should have done and acted on but did not. The question that has to be asked is "Why?" The family has looked south for help and support, and that is why I am raising his case today.

This case shows that the police force still has a way to go. Perhaps we should count ourselves lucky that it is not a sectarian issue we are speaking about but the failing of a police force in so-called “normal” circumstances. It is in these normal circumstances that the whole community needs the police to act impartially and properly in the investigation of crime. It seems clear to me, from what I have heard from Noah’s family, that the police have not acted properly in this investigation. For a grieving mother to be left with no option but to investigate herself and get further in the investigation than the police did is criminal and indefensible. Why should a mother who, as we all saw on television yesterday, is understandably torn up by the tragic death of her son have to carry out an investigation because it seems the authorities are not doing so? The proof of this need was shown when Fiona Donohoe made a public call for people with phone evidence to come forward, and they did. How could the PSNI not have done this? Why is it being left to a grieving family to come up with this?

These and other questions are some of the issues that Noah’s family need answered. They need our help to get these answers. I urge the Taoiseach, the Tánaiste, the Minister and everyone who can help to do so to ensure that Fiona can grieve in peace in the knowledge that all will be done by the PSNI to investigate and get to the truth of Noah’s tragic death. It is urgent and pressing that people have confidence in the PSNI to investigate all crime and leave the legacy of the Troubles behind. I believe that is a vital part of starting to rebuilding society.

Minister for Foreign Affairs (Deputy Simon Coveney): A little over a year ago, I stood together in the cold with the then Secretary of State for Northern Ireland, Julian Smith, and we announced we believed we had found the basis for an agreement on which all parties could come together and restore the Executive, the assembly and the North-South Ministerial Council. In an act of political courage and imagination, and in a spirit of compromise, the five parties did just that. It had taken three tough years to get us to that point. Hard compromises were made on all sides. No one got everything they wanted except one thing. They ended the stalemate and got politics working again, and gave people in Northern Ireland a democratic voice that they had not had for three years.

The years since the New Decade, New Approach agreement have presented exceptional challenges, some, I think, we expected and others we could scarcely have imagined. Though the storm of Covid has not yet passed, there has been a shared determination in difficult circumstances by the newly restored Executive and Assembly to hold the ship steady through it and try to keep people safe. The key to keeping that ship steady through future storms, big and small, is ongoing delivery on all of the commitments made by us collectively in the New Decade, New Approach agreement and previous agreements, right back to our shared foundation of the Good Friday Agreement.

The Taoiseach has spoken in detail about the work we are doing to deliver on the commitments of the Government for greater connection and deeper reconciliation. The shared Ireland initiative is an ambitious and inclusive framework for our commitment to strengthen the North-South relationship, work together to face major strategic challenges, develop our shared island’s economy and invest for the benefit of Border regions. These are areas of common ground. They are practical, positive and are rooted firmly in the spirit of the Good Friday Agreement.

As we look ahead, it is vital that we all keep making progress towards the full realisation of the New Decade, New Approach agreement, NDNA. That means delivery across the board, from both Governments and the Northern Ireland Executive. Some of the hardest things to find

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agreement on in the endless hours of negotiation were around issues of language and identity. However, we eventually found a detailed compromise and way forward through a balanced package of legislation and, as with all of the New Decade, New Approach agreement commitments, it is vital that this is taken forward now as agreed. Recognition and respect in the areas of language, identity and diversity are core to building and maintaining trust between communities and political leaders. Follow-through on commitments made is important in that regard.

Deputies have raised today the lack of progress in addressing the legacy of the past. Most, if not all of us, have sat with families of those who lost their lives in the Troubles. All of us should feel an obligation to respond to the legitimate pleas of victims and their families but also to help all of society address the legacy of the past in a way that fosters reconciliation and, we hope, new and stronger relationships.

When the New Decade, New Approach agreement was reached last year, the Irish and British Governments separately reaffirmed our commitment to the Stormont House Agreement. The British Government made a specific commitment to introduce legislation that would see it fully implemented. It is not about whitewashing paramilitary violence or state collusion or endorsing one or other narrative of the conflict. Rather, it is about investigations, information recovery, oral history and acknowledgement of the truth for all victims, communities and all of us.

In March, the Secretary of State for Northern Ireland announced new proposals for dealing with the legacy of the Troubles in Northern Ireland which departed from the framework. In the months since then, I have engaged regularly with him to underline the clear and consistent position of the Government that the Stormont House Agreement is still the way forward and we will continue to engage and reaffirm this commitment.

The provisions of the Stormont House Agreement were not easily agreed, but they were agreed collectively. It is our responsibility now to see it implemented and not allow wounds to be reopened or pain to be passed on to a new generation. The new agreement was called the New Decade, New Approach agreement for a reason. The title was intended to reflect the demand from ordinary people across Northern Ireland in particular, that politics work better for them and that, while acknowledging very different political views and aspirations, we still demand that political parties do not let debate slide into stand-off or disagreement into breakdown.

We must not easily forget the intensity of public frustration at the absence of the Executive and Assembly for over three years. I remember vividly that moment in St. John's Cathedral when Fr. Martin Magill spoke for many when he asked why in God's name it took the death of a special young woman, Lyra McKee, for political leaders to come together.

The NDNA is not a dry list of promises. Rather, it is an expression of determination by political leaders on behalf of their constituents to make politics work. While it is not directly the subject of today's debate, it is important to recognise that the events of the past few weeks with respect to the protocol have been difficult and have caused understandable frustration and angst. I have seen the concerns raised about the impact of the protocol and its implications for the Good Friday Agreement, and it is important that I take a moment to address them directly.

We must not, and have not, dismissed the genuinely held fears and concerns of any community in Northern Ireland. We also must be clear and honest, however, about the situation. Nobody, be they unionist, nationalist or any other constituency, wants politicians to promise so-

lutions that do not exist, cannot be delivered or would make things worse. Brexit is a policy that was, and was intended to be, profoundly disruptive. There is no scenario that delivers Brexit while life and business carries on precisely as it did before. We know that.

The protocol is a carefully constructed and good faith effort by the UK Government and the EU to try to ensure that the disruption for Northern Ireland is the least impactful it could be, preserving the delicate balance that the Good Friday Agreement established. It does not conflict with the Good Friday Agreement; it is there to protect it. It does not change the constitutional position of Northern Ireland; it explicitly reaffirms it and explicitly affirms the principle of consent as laid out in that agreement.

It does not seek to achieve a united Ireland by stealth or to add new areas of North-South co-operation. It simply allows existing co-operation to be maintained and protected. Crucially, it is also subject to periodic consent by the Members of the Northern Ireland Assembly, starting in four years' time. While cross-community consent mechanisms under strand one of the Good Friday Agreement are applicable only to matters of devolved competence for the Assembly, this periodic consent provision will ensure that every Assembly Member from every community in Northern Ireland will get an equal say in the continued application of the protocol.

I recognise that none of that assuages the real concerns in unionist communities. I recognise that none of that answers the real issues businesses are experiencing. However, the answer cannot and will not be to throw away the protocol and start again. That is in no one's interests, above all of those of Northern Ireland businesses looking for trade certainty and economic opportunity and the citizens of Northern Ireland who are seeking stability, prosperity and a reconciled society.

It is in everyone's interests that the protocol works sustainably for all communities and that the unique benefits for businesses in Northern Ireland of having unfettered access to Great Britain's internal market and to the European Union's Single Market are fully realised. We will continue to engage and listen to concerns. We will seek to address them through the protocol, a solution and hard-won compromise that provides stability, legal certainty and flexibility and is subject to democratic consent.

There is a process and framework for finding workable solutions on the ground, through the work of the specialised committee and the joint committee which is meeting today. That is the way forward. We will continue to advocate for flexibility and generosity in terms of the solutions that are necessary to real problems.

I feel sure that it will be put to me again by people speaking on behalf of the unionist community that neither I nor the Government is properly listening to the depths of their concerns. I take that seriously. We can all do better at listening to each other. For my part, I will continue to engage as much as possible with all parties on these issues, as well as those most impacted by Brexit in all communities, North and South, and those businesses experiencing real problems. These are relationships that matter to us, not just now in the heat of Brexit but because they are relationships that are essential to our current and future well-being on this island.

This year, Northern Ireland will have existed for 100 years. In December, together with the Secretary of State for Northern Ireland, Brandon Lewis, the First Minister and the deputy First Minister, I addressed an event, virtually of course, to mark the centenary of the Government of Ireland Act 1920. It was hosted by Queen's University Belfast. As I said on that occasion, this

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centenary of partition and the foundation of Northern Ireland is an opportunity to listen to each other about what it means for each of us, in the spirit of what Seamus Mallon called *A Shared Home Place*. The Good Friday Agreement calls on us to respect and ensure equality for the identity, ethos and aspiration of unionism just as it does for nationalism. President Higgins has spoken of the need for a hospitality of narratives. This year, even with everything else that is happening, I hope we will have an opportunity to learn from each other, acknowledging that we can have, at the same time, a shared history and a diversity of memory, as well as a common story and a very different experience of it.

In those 100 years, we have faced much darker times than we face today. We have overcome them. Through the Good Friday Agreement we have built a new beginning together and we have made it last, so that a generation of young people in Northern Ireland today has come to adulthood free from the shadow of violence and intimidation. We built that beginning on a commitment to better relationships within Northern Ireland, on this island, North and South and between the islands, east and west. The Government will do everything it can to make all those relationships succeed and prosper. The New Decade, New Approach agreement is a demonstration of that determination. It restored power sharing in Northern Ireland. It opened the way for the North-South Ministerial Council to resume and many meetings have flowed from that. It was made possible by British-Irish partnership and it shows what can be achieved by Dublin and London working together in close co-operation with all political parties in Northern Ireland. Its commitments now must be realised, even more so its commitment to making the relationships based on the Good Friday Agreement work into the future.

Finally, along with others, I condemn the intimidation and the threats that have been made to politicians from all parties and journalists in Northern Ireland in recent times. Most recently, it was Alex Maskey of Sinn Féin and Nichola Mallon of the SDLP, but it also occurred in unionist parties to multiple DUP MLAs and UUP MLAs. I have in mind Doug Beattie and others. In the Alliance Party of Northern Ireland, Naomi Long, Stephen Farry and others have received threats in recent times. This is because they are democrats and are speaking the truth. We all should condemn the intimidation of people in public life and those who write about it in journalism. I hope it can be a reminder of where we do not want to go in the context of politics and democracy in Northern Ireland and, indeed, on the entire island.

Health (Amendment) Bill 2021: Order for Second Stage

Bill entitled an Act, to make exceptional provision, in the public interest and having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and variants of that disease and in order to mitigate, where practicable, the effect of the spread of that disease; to amend the Health Act 1947 to make further and better provision for the enforcement of regulations under section 31A of that Act; to provide for the mandatory quarantine of persons coming into the State from certain areas from where there is known to be sustained human transmission of Covid-19 or any variant of concern, or from which there is a high risk of importation of infection or contamination with Covid-19 or any variant of concern by travel from that area; to provide for the designation of such areas by the Minister; to provide for the mandatory quarantine of persons coming into the State who fail to comply with certain requirements relating to testing for the disease; to provide for the designation of facilities for such quarantine; to provide for the conveying of persons to those facilities; to provide for the making of service agreements to facilitate such quarantine; to provide for

alternatives to such quarantine for persons coming into the State where such persons indicate an intention to apply for international protection or where such persons are children who are not accompanied by an adult; and to provide for related matters.

Minister for Health (Deputy Stephen Donnelly): I move: “That Second Stage be taken now.”

Question put and agreed to.

Health (Amendment) Bill 2021: Second Stage

Minister for Health (Deputy Stephen Donnelly): I move: “That the Bill be now read a Second Time.”

I am sharing time with the Minister of State, Deputy Butler.

I am pleased to address the House on the Health (Amendment) Bill 2021. The purpose of the Bill is to improve Ireland’s ability to respond to the ongoing threats to public health from Covid-19. It does this by amending the Health Act 1947 to allow for the introduction of mandatory quarantine at designated facilities for all passengers arriving from countries where there are variants of the Covid virus that present a particularly high risk. The Bill also provides for mandatory quarantine for passengers who arrive in breach of the pre-departure negative PCR test requirement, until such time as a not-detected test result has been returned.

It is almost a year since the first case of Covid-19 was confirmed in Ireland. The pandemic has had a very significant impact on life in Ireland, not just in terms of morbidity and mortality but also in terms of our way of life. To reduce transmission of this awful virus, we have had to live with public health measures that have required enormous personal sacrifices and taken a huge toll on people across the country. It has been a difficult winter. I truly hope that the roll-out of the vaccination programme is providing some much-needed hope and light. We are making progress and have administered over 350,000 vaccine doses. We are building capacity to be able to administer more than 250,000 doses a week to prepare for a significant increase in supply from April. Depending on vaccines arriving as scheduled, we will administer, on average, more than 1 million doses per month during April, May and June.

Unfortunately, we still face challenges. New variants of Covid-19 have emerged that can be more transmissible and may cause more serious infection. The variant first identified in South Africa is understood to be 50% more transmissible than the original strain. Less is currently known about the variant which originated in Brazil in terms of transmissibility and disease severity. There are, naturally, serious concerns that the vaccines which have been developed to date may not be as effective against variants of the virus as they are against the original strain. It is vital, therefore, that the vaccination programme is enabled to provide the maximum level of protection to our population in the coming months.

We have already introduced measures to limit the importation of the so-called variants of concern. A regime of mandatory home quarantine is now in operation. Arriving passengers, regardless of nationality, are required to present a Covid-19 passenger locator form and evidence of a negative pre-departure PCR test taken no more than three days before travel. We have also stepped up enforcement measures in respect of regulations which prohibit non-essential travel

abroad, and people travelling abroad without an essential purpose can be subject to fines and prosecution. This is being enforced by An Garda Síochána.

We have significantly increased the amount of genome sequencing we are carrying out. Currently, arrivals from countries that are designated as category 2 states due to the presence of variants of concern must complete the full 14-day period of quarantine at home. These regulations were made pending the preparation of primary legislation to require travellers from designated high-risk countries to quarantine at designated facilities. This is the purpose of the Bill. While travel volumes are significantly depressed compared to the same period last year, there are still approximately 1,000 to 3,500 arrivals into the country each day, with 10,500 people arriving into Dublin Airport last week. Furthermore, there is a need to provide for a further increase in the fixed penalty for non-essential travel overseas to deter people further from travelling to a port or airport for the purpose of leaving the State without reasonable excuse. The proposals in the Bill may be regarded by some as harsh and by others as insufficient. While the UK has introduced mandatory hotel quarantine, very few countries in Europe have introduced such a regime. However, the Government believes that the risk of importing variants and their potential impact on our vaccination programme means that we must act.

We believe that this Bill strikes a fair and proportionate balance between the protection of public health and the common good in the unprecedented emergency which we face, on the one hand, and the limited restriction of individual rights, on the other. We believe we can learn from the experience of the relatively small number of countries that have imposed such measures. Last week, I spoke to the New Zealand minister with responsibility for Covid-19 who outlined to me how their system works. We will, undoubtedly, face operational challenges just as they did. We may not get everything exactly right from the very start, so where we need to learn and to adapt the arrangements, this will be done. I am committed to ensuring that happens in a fair and transparent manner and we will constantly strive to improve.

I will now outline some key provisions of the Bill in more detail. The Bill is divided into nine sections. Sections 1 and 2 set out definitions and interpretative provisions. Sections 3 to 6, inclusive, amend the Health Act 1947 to increase the penalties for existing offences relating to the Covid-19 pandemic. This is intended to permit the fixed penalty notice for travellers going to or from an airport without reasonable excuse to be increased.

Section 7, the longest part of the Bill, relates specifically to the introduction of mandatory quarantine and related matters. The Bill inserts a number of new sections in the Health Act 1947. These will be numbered in the 1947 Act as sections 38B to 38M, inclusive.

Travellers who have been in a designated state within the 14 days prior to their arrival in Ireland will be obliged to undergo a 14-day period of quarantine. The Bill includes a provision to allow exit from quarantine before the completion of 14 days if travellers return a not-detected Covid test upon arrival and a further such test on day 10 of quarantine. There is a limited number of other circumstances under which travellers may leave quarantine, such as for medical treatment or other humanitarian reasons. The Bill also includes provisions requiring travellers who arrive in Ireland from any other country without a not-detected PCR test, that is, if an individual arrives without their preflight PCR test, to be quarantined until a not-detected test is returned, or for a full ten-day period if deemed necessary on public health grounds. Travellers who test positive for Covid during quarantine will be required to remain in quarantine until they have satisfied the criteria for release.

Travellers will be required to pre-book their accommodation in designated facilities. Appropriate provision is made for unaccompanied minors or those seeking international protection.

The Bill includes provision for travellers to appeal a decision that they are subject to mandatory quarantine, while Section 38B(25) includes categories of travellers who are exempt from the requirement to quarantine, such as drivers of HGVs, maritime or air crew, or elected officials travelling for official reasons. It will be possible to designate other exemptions by regulation.

Section 38C sets out the power to return travellers to quarantine if they have left inappropriately. Section 38D sets out offences associated with the Bill and establishes the relevant penalties. Section 38E sets out the power and the process for the Minister to designate the states relevant to mandatory quarantine and Section 38F makes provision for the designation of facilities and to require passengers to pay for quarantine. Section 38G sets out the regulation-making powers of the Minister and sets guiding principles for use in that process. Sections 38H and 38I provide the authority for the Minister to make arrangements for transport and accommodation and related matters for quarantine purposes. Sections 38J and 38K set out requirements and obligations related to record-keeping and data protection. Section 38L allows the Minister to make arrangements with other Ministers to carry out some of the functions associated with the requirement to quarantine as they relate to the designation of facilities for quarantine, making service contracts, and data protection. Section 38M establishes a requirement of travel organisers, such as airlines, to inform a traveller of his or her obligation to pre-book their quarantine, check that those bookings have been made and potentially refuse to allow travel where a booking has not been made.

Section 8 of the Bill makes minor consequential amendments to section 42 of 1947 Act.

Section 9 sets out the Short Title and operation of the Bill and establishes that the quarantine-related provisions of the Bill will fall three months from its passing, unless resolutions extending them are passed in both Houses of the Oireachtas. This sunset clause is an important feature of the Bill and reflects the exceptional nature of its provisions, which are required in the context of the Covid-19 pandemic.

In parallel with the drafting of this Bill and its consideration by the Oireachtas, a concerted cross-Government approach is being taken to prepare for the introduction of mandatory quarantine at designated facilities. This includes the service design, specifications needed to ensure the quarantine is of a high standard, hotel, security and ancillary services, as well as the health services and testing services required to meet public health requirements.

In conclusion, I welcome this opportunity to provide an overview of some of the key provisions in the Bill and I look forward to discussing the Bill in more detail on Committee Stage and to listening to colleagues' contributions during this Second Stage debate. This is a radical measure but these are no ordinary times. I commend the Bill to the House.

Minister of State at the Department of Health (Deputy Mary Butler): I am pleased to address this House on the Health (Amendment) Bill 2021. As the Minister for Health has outlined, this Bill has been introduced to add to the State's ability to robustly respond to the ongoing threats to public health from Covid-19.

We have been improving and reframing our mechanisms for responding to Covid-19 in the past year. Since the first set of restrictions were announced in March 2020, the aim has been to

identify the virus to the greatest extent possible and to protect essential public services, including the health services, and to protect the most vulnerable in society. I wish to acknowledge the work undertaken by all those involved right across society in working with us to ensure the measures were implemented safely.

We must remember that more than 216,000 individuals in our country have now tested positive for coronavirus and sadly, more than 4,100 people have died. Each of these deaths represents a loved family member or friend who has sadly passed away to this disease.

Throughout the pandemic, the Government has been guided by the recommendations of the World Health Organization and European Centre for Disease Prevention and Control, ECDC, in framing our response. The National Public Health Emergency Team, NPHET, has in turn provided guidance to the Government in terms of the progression of the disease in Ireland and its review of the available evidence.

Given the constantly evolving nature of this pandemic, it is critical that we adapt our approach. We are now at an important point in our response to Covid-19. We have made good progress in reducing case numbers in the third wave. Our vaccination programme is up and running. We now need to address the threats posed by new variants of the disease. These new variants can be more transmissible and may cause more serious infection. The risks to the Covid-19 vaccination programme are a major concern and it is vital that the effectiveness of the vaccination programme is maintained.

The Health (Amendment) Bill 2021 provides a proportionate response to this risk we now face. It does this by amending the Health Act 1947 to allow for the introduction of mandatory quarantine at a designated facility for all passengers arriving from countries where variants of the Covid virus that present a particularly high risk are in evidence.

Mandatory hotel quarantine will be required for passengers who have been in designated countries, including those who have transited through a port or airport in a designated country. The Bill also provides for other measures such as mandatory quarantine for passengers who arrive in breach of the pre-departure negative PCR test requirement until such time as a not-detected test result has been returned.

Regardless of the measures that will be announced, however, it is important that we maintain our observance of the recommended public health measures, many of which have been in place since the beginning of this pandemic. That is especially important to protect the most vulnerable in society. As we move forward over the coming months, I urge all Deputies to continue to promote the public health messaging on Covid-19 in order that the most vulnerable in our society will be protected. I wish to recognise the hard work of the public in keeping with us for the past year. There is hardly an aspect of Irish life that has not been impacted in some way by coronavirus and it is acknowledged that the pandemic has affected us all very deeply.

The pandemic and associated restrictions have posed many challenges for people's mental health, including increased stress, anxiety and fear. That has been exacerbated by experiences of isolation, bereavement and loss of income and work, among many others. The HSE has responded rapidly by reconfiguring existing mental health services and putting additional services and supports in place. It continues to plan, in collaboration with the Department of Health, for any surge in demand as it arises. In line with the WHO guidance, the HSE published a psychosocial framework in January. This builds on a range of supports introduced earlier last

year in response to Covid, including self-help and psychological first aid supports for staff. The framework acknowledges the impact of the pandemic on mental health in all areas of society and identifies priority groups, including healthcare workers and people bereaved due to Covid. The framework provides a cohesive, co-ordinated, consistent and collaborative approach to the provision of mental health services and supports across five key levels from mental health promotion to specialist supports.

Older people have been isolating for extensive periods during the past year. They have had the added burden of being the most vulnerable to the effects of Covid-19. Last week, the vaccination of those over the age of 70 began, starting with those aged 85 and over being vaccinated by their own GPs. All those over the age of 70 who wish to be vaccinated will be contacted by their GPs and will be fully vaccinated with first and second doses by mid-May. As we continue to roll out the vaccine, there are a number of supports older people can avail of including: the Community Call initiative, which provides local helplines through local authorities to deliver practical supports, and befriending; the Keep Well campaign provides valuable information on supporting people through the difficult months ahead; and ALONE, in collaboration with the Department of Health and the HSE, is running a national support line that is available Monday to Friday from 8 a.m. to 8 p.m. on 0818 222 024.

I welcome the Government's further initiative to strengthen our responses to Covid-19 and I commend the Bill to the House.

An Ceann Comhairle: We move now to the Sinn Féin spokespersons. I call Deputy Cullinane, who is sharing time with Deputy O'Rourke.

Deputy David Cullinane: This Bill has been a long time coming. It is nine months since NPHEC recommended that discretionary elements of travel should end. It is disappointing the solutions in respect of checks and controls at airports are still not in place today when we are debating a Bill which still does not solve the problem. It is still a case of half measures. The Bill will not deal with the real threat of the importation of the virus from outside this State.

It is important for me to point out that we are having this debate at a time of increased anger and frustration among members of the public. They are very angry and frustrated because they want leadership. They want a coherent plan that they can have confidence in and they need hope. The reality is that they are not getting that from the Government or from the Minister for Health. The Government needs to get its act together. It has to stop sending out mixed messages. It has to stop the poor communication. It has to stop the botched media interviews. It has to stop the half measures and it needs to be putting in place the solutions that people can have confidence in and believe. That will not only get the numbers down low but it will keep them low.

As we gather here today and as the Minister knows, people have been through a horrific year in terms of the sacrifices they have made. People lost their jobs. People are stuck at home and they cannot leave save for essential purposes. They have been home schooling their children for months. I welcome the moves in the right direction in terms of reopening schools. People have seen their businesses close. Many businesses have not been able to open their doors for almost a year. All of those sacrifices have taken their toll on people's mental health, as well as socially and economically. When they make those sacrifices the very least they expect is that the Government will get its act together and put in place solutions to problems that only it can solve.

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While people are playing their part abiding by restrictions and getting the case numbers down low, they have a real fear that, because the Government is failing to make the investments in certain areas and to go the distance in respect of mandatory testing and quarantine on travel, their efforts will be in vain and that we will again lose control of the virus. That is a very serious issue because when people lose confidence in the process, it is very dangerous. I want people to have confidence in the Government, in the process and in the ability of the Government to be able to deliver but I have to say that people are losing faith, if many have not already lost faith.

People are making the sacrifices they are making and are being told that they cannot stray outside 5 km from their own homes yet we are still not putting in place mandatory hotel quarantine for all international travel. How can that be the case? Can the Minister explain that to people because it has not been explained? I ask the Minister to listen to what I am saying. This is an important debate and having conversations with backbenchers is not appropriate. This is an important issue. The Minister had his chance to have his say and I listened so I ask him to please give me the respect of listening to what I am saying. People cannot understand why the Government is not going the full distance when they are making the sacrifices they are making. They are asking us why people who can still come in from some countries are not subject to mandatory PCR testing or hotel quarantine. Some people from some countries will be but we are still leaving ourselves exposed and we still do not have sufficient checks and balances. I cannot explain that to people. I do not have the answers for them because there is no excuse. There is no reason.

We in Sinn Féin will be tabling a number of amendments to this Bill and we will do so constructively. We are tabling amendments because we want a system that is fit for purpose. We are nearly 12 months on from the start of this pandemic and the Minister still has not got his act together in the context of sharing data on travel with his colleague in the North. That is on the Minister. He cannot blame anybody else. That matter is under his purview. That is his job. The Minister of Health in the North has reached out time and again on this issue but neither the Minister for Health nor the Government have responded. We are tabling an amendment to ensure that we have that level of data sharing. We are tabling an amendment to make sure that anybody coming into this State, irrespective of the country they are coming from, will be subject to mandatory hotel quarantine for all non-essential travel. If the Minister does not facilitate the latter, he will make a mockery of the whole process because he cannot enforce people quarantining at home. It is impossible to do that. It is the type of nod-and-wink solution that got us into the mess in which we find ourselves. Unless the solutions are real, robust and effective, we will continue to see more cases of the virus imported.

4 o'clock

It must be said that this is on the Government and its failure to act in these areas. It is also extraordinary that even in this Bill there is still no provision for mandatory PCR testing post arrival for people quarantining at home. It is still only advisory. How can I explain that to somebody who is making sacrifices at present? How can the Minister or anybody in the Chamber explain that when we know what we have been through?

I want people to have hope that restrictions can be lifted in the summer. Everybody wants to have the sense that come the summer, we may be in a position to ease restrictions and give back people their lives. This will not be done if the ingredients necessary for maximum suppression are not there. I received figures this week from the HSE on testing and tracing staff. The target set months ago by the HSE was for 2,000 swabbers and contact tracers but fewer than

1,600 have been employed. Again, when people are making sacrifices and playing their part, the Government is falling short on testing and tracing. We hear from healthcare trade unions that we still do not have serial testing in hospitals. What in God's name is going on when we are not even hunting down the virus in hospitals? We need to use testing and tracking to hunt the virus when numbers are low, thereby putting us in a position where we can stay ahead of the virus, as opposed to losing control, which we have done in the past.

There are obvious ingredients in a maximum suppression strategy given to us at the outset of the entire process. They include testing and tracing but we have never got that right. That is on the Minister and his Government. We have never got the all-island response right in terms of sharing data and that is on the Minister and his Government. We are debating travel checks at ports and airports but we are still not getting it right. It is infuriating for people that even today, as Members debate this Bill, there is no commencement date on when the Bill will come into effect. We have no idea.

Many of us had a briefing with some senior civil servants from the Department about this and it seems the detail of the Bill is still being worked out. We have no idea when this will come into effect and I cannot tell anybody what day, week or month hotel quarantining will be introduced. Perhaps the Minister has the answer but it has not been given to us. How does that inspire confidence and how can I leave the Chamber today saying we had a debate and there is a Bill before the Dáil, although I have no idea when it will come into operation or if all the detail has been worked out. Moreover, I have a good idea that most of it has not been worked out and there is much work to be done nine months after the Government was told by NPHET to remove the discretionary elements of travel with respect to testing post arrival and quarantines.

The Minister must really get his act together and the Government must pull itself together once and for all. People are really angry and frustrated and I do not blame them. When they are making these sacrifices, the very least they could expect is that the Minister, the Taoiseach and the Tánaiste should do their jobs. Please stop competing for headlines and botched media interviews. Please stop competing with the Taoiseach, the Tánaiste, the leader of the Green Party and others to be first to a microphone or to talk to a journalist about what may or may not be in any plan. People should be given the hope they need, as that is really what is lacking from the Minister and his Government. There must be a big step change in the weeks and months ahead.

Deputy Darren O'Rourke: I welcome the opportunity to contribute to the debate on this Bill.

To begin, I must ask why the Minister for Transport is not here taking this Bill through the House. Where is the Minister for Transport, Deputy Eamon Ryan, today? He should be anchoring this Bill but he is missing in action. I mean no disrespect to the Minister or the Minister of State, Deputy Butler, but their responsibility and focus should be entirely on the health system and the critical vaccination roll-out. It is wholly inappropriate that the hotel quarantine Bill was loaded on the Department of Health. It is clear the Bill was dumped on the Minister, which is absolutely not helpful. It was a selfish move by the Minister's Cabinet colleagues, who shirked their responsibility in this area.

While Sinn Féin welcomes the broad thrust of this Bill, and I thank the departmental officials for their briefing on Monday, it will come as no surprise to hear we do not believe this Bill goes far enough. NPHET set the bar on 14 January when it recommended "that every effort be made to ensure that discretion as it currently applies to the need for restriction of movements

and PCR-testing post-arrival in Ireland is removed". The question is whether we can do more to limit discretion on restriction of movements and PCR testing post arrival. When we look at this Bill and the wider regime, the answer is absolutely clear. Yes, we can; yes, we should; and yes, we must.

Limiting the provisions of this Bill to arrivals from just 20 countries is wholly inadequate. One of our amendments seeks to extend mandatory hotel quarantine to arrivals from all countries and the Minister should accept it. As the Bill has a three-month sunset clause, we believe mandatory hotel quarantine for all non-essential arrivals during this time is necessary, appropriate and proportionate. We need strong action now to prevent new variants being imported and to protect the vital vaccination programme over the coming months. I urge the Minister and his colleagues to reconsider and listen to the Opposition on this point. He should heed the public appetite for it. Too many mistakes have been made in the Government's international travel policy, lessons need to be learned and now is the time to do it.

Central to the Government's argument against our proposals is that it wants to continue with the approach of reacting to variants or outbreaks in other countries as they arise. This does not work and will not work. The Government has stated, as if it were a badge of honour, that on first hearing of the British variant it imposed a travel ban the next day. What decisive action. While this is how the Government intends to carry on, did it work? It did not, not by a million miles, as 90% of all cases here are now from that exact variant.

The Minister knows that by the time variants are discovered in other countries, it is too late and the ship has sailed, both literally and figuratively. The Government's plan runs contrary to the fundamental principles of outbreak management and prevention. For 170 or 180-odd countries in the world, we will rely on mandatory quarantine at home. Let us just be straight with people. There is no such thing as mandatory quarantine at home. It is a misnomer and does not exist. It cannot be monitored or enforced. It is mandatory in name only and is quarantine in name only. It means nothing and as a result, this entire plan is wholly inadequate.

This is why the collective Opposition and the vast majority of people are asking for proactive measures in this regard. That is why nothing less than including all countries in this will work. We must take a cautious approach until the vaccination programme is more advanced and more information about variants is known. The Government acknowledges this and we must take measures that will help allow our population get back to some level of normal life. The best way to do that is to drive the virus down and to prevent it and new variants from re-seeding. Closing the door to unchecked international travel for the time being should be one part of this plan. Sinn Féin's amendments deliver that and I urge the Minister to reconsider his position.

Related to the need for more comprehensive mandatory hotel quarantine is the urgent need to expand the checks and balances currently in place. Number one must be the introduction of a mandatory PCR test post arrival for all non-essential travel. A pre-departure test within the previous 72 hours, as currently required, is not enough. The Minister knows this and the experts have told him. NPHE's modelling indicates that even the best-performing pre-departure Covid-19 tests will miss up to 40% of cases within that 72-hour period. We have submitted another amendment that would require a post-arrival test for all non-essential travellers, regardless of whether they are in hotel quarantine. The Minister should accept it.

Currently, people are arriving back into the State and possibly quarantining in their homes.

They are mixing with family members or housemates and without testing post arrival, this has the potential to lead to significant numbers of clusters. Post-arrival mandatory testing must be introduced. It is about closing the net and managing and minimising the risk. We have all heard about the Swiss cheese model and the layers of protection. Pre-departure testing will miss up to 40% of cases. When combined with a post-arrival test on day 5, it will miss up to 15% of cases, according to the submission of the Chief Medical Officer, CMO, to the Joint Committee on Transport and Communication Networks. It is true that 15% is much better than 40%. NPHEt set the bar, and on the issue of post-arrival testing, the Minister has not even tied his laces.

It is a similar case with the practicalities of the proposed regime. Given the current state of affairs, it will happen in very limited circumstances and maybe none but technically, someone landing in Belfast and living in the South is expected to voluntarily present at a designated facility. The question arises as to what happens if one does not. There are fines and penalties, which is fair enough. However, to ensure that this measure is implementable and enforceable, passenger data must be shared in real time between Belfast and Dublin, in order that the authorities here know who should be presenting at a designated facility and can contact them if they do not. It makes sense and we have submitted an amendment in this regard. I ask the Minister to support it.

Finally, we must acknowledge the impact that all of this will have on the aviation sector. I was genuinely taken aback to hear the response of the Tánaiste in the House last week when I raised this matter with him. In a highly disingenuous way, he suggested that asking for mandatory hotel quarantine and advocating for support for the aviation sector was trying to have it both ways. That is absolute nonsense. Of course, we realise that extra measures will add further to the difficulties in the aviation and travel sectors but look at those industries now. Look at what the Government's policies have achieved. The summer of 2020 was lost and now we are being told that the summer of 2021 will be lost. If we do not get ahead of this virus, more months and jobs will be lost.

Government half-measures and this permanent purgatory will not do. The Government's approach to aviation has been disgraceful. It has failed to support the sector and its workers. The level of State supports is a fraction of what is required. The Government has turned a blind eye to ghost flights leaving with people's money. We are told that nothing can be done. It has turned a blind eye to loyal customers being given the runaround on refunds and vouchers and being gouged on rescheduling fees. It has turned a blind eye on loyal workers being denied their short-time work support and to Aer Lingus strategically moving its operations elsewhere. The Minister wrote to me this morning, stating that the privatisation of Aer Lingus is "a positive evolution for the company". That is absolutely incredible. It is completely outrageous for the Tánaiste to come into the Dáil and claim that this half-baked plan, which is in front of us today, is about protecting aviation. It is no wonder that aviation sector workers are at their wits' end.

The Government cannot continue to ignore the need for crucial protections for workers. Tailored supports must be introduced for workers in the aviation industry who are facing months more of uncertainty and possible further job losses. The Government is sitting on a quarter of a billion euro in the so-called connectivity fund. This must be used. Massive investment is needed to protect aviation. It should come with conditions, including the protection of workers, jobs, strategic connectivity, and delivery on climate change goals. The Government has the power to do this. The Minister should stop pretending that there is some happy balance to be struck somewhere between 20 and 200-odd countries. It is an insult to ordinary workers who are looking to the Minister and the Government for hope. Instead, they are being used as

a political football.

This legislation is important. It has come very late but at a crucial juncture in our effort to get ahead of this virus. Sinn Féin has proposed a number of amendments. I ask the Minister to consider and adopt them.

Debate adjourned.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Justice has completed its consideration of the Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 and has made no amendments thereto.

Health (Amendment) Bill 2021: Second Stage (Resumed)

Question again proposed: “That the Bill be now read a Second Time.”

Deputy Alan Kelly: I genuinely welcome the fact that this legislation on hotel quarantine has been brought here today but it is not enough. It is nowhere near enough. What has been proposed in respect of mandatory hotel quarantine is the absolute minimum. It is a lax regime that will only cover 20 countries. We do not know when it will be put in place. Perhaps when the Minister responds on Committee Stage, he might clarify when he expects it to be in place.

It has taken nine months to get here. NPHE recommended this nine months ago. It is startling that we are here today. I understand that the Minister spoke with his counterpart in New Zealand on this issue recently. That is a positive development. However, the fact that this regime was only considered recently does not show urgency. It is a real worry, given the emergence of the variants. We are facing a pandemic within a pandemic in respect of the variants. It is a genuine worry. I would like to know, step by step, what the Government and various different Departments - because I respect that this issue falls across a number of Departments - were doing on the issue of hotel quarantine over the past nine months. Is it true that there was a significant opposition to this measure within the Civil Service, as well as from a political perspective, in some quarters?

The country will struggle to believe why the Government has failed to act decisively and competently on this issue, especially when people have made such sacrifices and have taken hope from the roll-out of the vaccine. Everyone is talking about it. It is unacceptable that doors have been left open in such a haphazard way and with such inadequate protections. I have no doubt but that psychologically, there has been some opposition to this within the Government. I question why this has happened.

If one speaks to members of the public, one will see that people coming into the country are normally most welcome. Those who come into the country now are still welcome but they must abide by what is required, which is quarantine. Considering that on one side of the equation, people are welcome into the country, and on the other side, people must stay within 5 km of their homes, the public do not understand it. They cannot comprehend it and they certainly do not appreciate it.

I want to say something to the Minister, and it is not meant disrespectfully at all. I am perplexed as to why the Minister is bringing this legislation to the House. If I was having a heart-to-heart with him, I would tell him that he could have done without having to bring this legislation in. To be fair to the Minister, I do not believe that this legislation should have been dumped on him. The responsibility should fall with the Departments of Justice or of Transport, but particularly with the Department of Justice. It is complex legislation and the Minister has enough on his plate. I will criticise him and compliment him but I want to be fair on this issue. It is not legislation that the Minister or his Minister of State should be introducing to this House. He has been treated unfairly. His colleagues in the two other parties have dumped this on him. That is not a good sign for collegiality in this pandemic. It is a very bad sign, given all of the Minister's current responsibilities.

I was much taken by what the Tánaiste said on two radio programmes this morning, when he stated that he does not believe in mandatory quarantine because he thought a differential approach is necessary. He referred to the approaches taken in the Isle of Man and Iceland. Jesus, that is laughable. The next thing we know, we will be going on an Oireachtas field trip to the Isle of Man so see why there are no infections there. The issue at hand is not about the Isle of Man or Iceland. The issue is that a structure must be put in place to prevent infection coming into the country. Most importantly, it is about preventing the variants coming into the country, because the variants are on tour. I have criticised the fact that 2,000 people from Brazil have been allowed to come into the country without mandatory quarantine, primarily to work in meat factories. The reality is that there are many variants now. There is talk of Bristol and California variants. Hopefully they can be dealt with, but they could come in from anywhere. The British variant is now the dominant variant. It did not just come here by itself. It had to come through human contact, as Dr. Gabriel Scally has stated. Why do we have a choice between locking up our people within 5 km or putting in place a regime to ensure that people must mandatorily quarantine to protect our people?

The public is of the view that the Government strategy is wrong, as it has said all along, but the Government is deciding, for some psychological reason, that it had better put the people who are coming into the country, even for non-essential travel, above the people living in this country, whose movements are restricted to within 5 km. That is the equation and it is damn well wrong. All the surveys that have been done show that the public supports what I and other members of the Opposition are saying on this issue. In an Ireland Thinks poll on 18 January, for example, 90% of those surveyed agreed that people coming to Ireland should have to quarantine in a hotel. Other polls show similar results. People were rightly outraged a number of weeks ago by Conor McMorrow's report for "Prime Time", a programme in which I participated. That report really brought to light and into people's homes the reality of the volume of people coming into the country after nice little breaks in Lanzarote and other places. It got a degree of agitation going to ensure the Government looked at increasing fines but what it is introducing does not go far enough.

We need to protect our own people. We, as legislators, and the Minister and his colleagues, as the Government, have a duty to protect our own people to the maximum. This legislation fails to do so. That is why we in the Labour Party, together with others, will be introducing an amendment to the Bill to make hotel quarantine mandatory, except for essential and logistic workers. We are failing our people. I have a question that I must ask in this regard. If the variants get a further foothold in the country in the coming weeks and months and become a real issue for the implementation of the plan that was announced yesterday, will the Minister and

the Government accept that they have failed the people? I am saying this now to give him an opportunity to take it on board. If we keep going along the road he is going and these variants transfer into our country on a larger scale, it will be a failure on his part and, to be fair to him, a failure of the Government.

Apart from all the variants, there is also an issue in that when people arrive into the country, they must, on the basis of an honour-bound system, quarantine themselves, which is legally covered, but the Government does not, for some reason, require them to go for PCR testing. Surely that is just illogical. Surely the Government could put in place a structure to ensure such testing is mandatory in all cases and a regime to implement it. I ask the Minister at least to consider that. It is a fair consideration to put forward because this is a key component of the weakness that is in the Government plan. I will not restate what I said this morning in regard to the seven different actions we would put forward to stem and suppress the virus. I will say that, above all, we need to deal with this issue of travel. Whatever jigsaw of measures is put in place, if we are not dealing with the issue of travel in a concrete, efficient and deliberate way through a regime of hotel quarantine, we are leaving ourselves open to failure and to letting down the people.

The Minister said in his statement that this is a radical legislative provision. It might be such in normal times but when it comes to protecting our own people, a year into a pandemic where I have never seen people so worried, stressed, depressed, upset and disillusioned, it cannot be called radical legislation. In fact, it is anything but radical. It is weak legislation because it does not change much at all. It would be radical to have legislation to introduce mandatory hotel quarantine for everyone. I ask the Minister to reflect on that. My party and I will be putting down an amendment to that effect and we will be pushing it.

Deputy Duncan Smith: The Bill that is being presented to us represents a worrying political compromise between what should be delivered and what is being delivered because of opposition within the Government. As my party leader, Deputy Kelly, and other speakers have said, the Ministers for Justice and for Transport should be here, alongside the Minister for Health, who is representing the public health element. I noted when the Minister, Deputy Stephen Donnelly, was going through the provisions of the Bill that the majority of them relate to penal provisions in respect of breaking the law. That is why the Minister for Justice should be here. In addition, transport is fundamentally at the heart of these provisions, which is why the Minister for Transport should be here. The latter is never here, however, when we are discussing the public health elements of transport and travel. Deputy O'Rourke has participated alongside me during transport debates in the Chamber and I am sure he would say the same.

This is a hugely important Bill, probably the most important we have had so far this term, and it is going to change things. It will shift the dial in terms of how we approach this crisis. The Minister said that some people will see it as harsh and some will see it as insufficient. In many ways, it is both. Anybody who has to go into hotel quarantine will go through something that is not very easy. However, the Bill is totally insufficient because underpinning it all is too much voluntarism. For any of us who sat through the meetings of the Covid committee last year or contributed to these debates in recent months, we know that every measure that has been brought in was not enough. The prime example of that is the laughable airport and sea-port testing regime that is in place at present. Engaging a highly expensive private company to carry out tests in the long-term car park at Dublin Airport, nearly 1.5 km from the terminal building, is not a testing regime. Those measures were brought in at the end of November by the Dublin Airport Authority, DAA, which threw its hands up and said it could no longer wait

for a lead from the Government that was not coming. We were not even talking about variants at that time.

We would have been able to tackle more effectively the tragedy that has occurred since late November, through December and January and which we are still living with today if the Government had invested belief and resources into a proper testing regime. It did not do so, however, and we are seeing a similar approach in this Bill. There remain too many loopholes, outs and ways for people coming into the country not to have to quarantine and get tested. Everything we are hearing about the variants is scaring the living hell out of all of us, including their transmissibility and how quickly they spread through the community even when we are practising distancing, handwashing and everything else we need to do. That is why the Bill needs to be strong. It does not need to be strong because we want to score political points against one another; it needs to be strong because we are an island nation. The virus first came into this country because of travel and travel has played a large part in its incidence here. The latest wave has been so bad in large part because of the variants that have come in through travel and there not being an effective regime in place to counter that.

We cannot continue to put off taking a belt and braces approach to this crisis. We are nearly a year on from the first case in Ireland and we have had neither a belt nor a braces approach, never mind both. The response has been totally lackadaisical and the resources have never been put in to tackle the crisis. There is public support for a stronger response, even though people know it will be difficult. I am sure all Members have had calls from people abroad who are looking to come home or have plans to travel for certain types of work and are wondering what the story is. We cannot tell them because we have no dates and no details. That is another problem that is highlighted with the introduction of this Bill. People are aware that this is going to be difficult, but the measure has to be introduced.

The aviation sector is again being told that it will be at the end of the queue. There is no survival package for it. There is nothing to protect the workers' jobs or their terms and conditions. There is nothing to protect the companies to ensure that when we beat this virus, we will have a sector that will help to drive economic recovery. That is why we need the Minister for Transport here. He has to speak to these issues. It is not the job of the Minister for Health to do so. Aviation is a major element because this Bill will have ramifications for it. This is a major Bill. It is not just about getting people into rooms and serving them food at the door. There are major implications far beyond that. It is lamentable that we do not see enough Cabinet representatives on the Government side of the House. It is absolutely shameful.

I need to ask the Minister about inbound essential workers, particularly those working in the agriculture sector. At the start of the pandemic last year, there were workers coming to work in horticulture and agriculture and in meat plants. Are they deemed to be essential workers? If so, will they not have to quarantine in hotels? We believe everyone should have to quarantine in a hotel. I am concerned about what will occur if the workers are deemed to be essential and will not be subject to the legislation as presented by the Government. We saw last year that workers who were brought in were housed in cramped, dormitory-style accommodation and in poor conditions that allowed the virus to spread among them. There were high numbers of cases and deaths. This matter was raised many times in the Dáil. There were many debates at the time with the Minister for Agriculture, Food and the Marine and the Minister for Health but I do not believe anything has changed. Have the big employers been negotiated with on this? Everyone coming in needs to quarantine. If the workers are coming in, where will they be housed ultimately? If they are to be housed in the same way they were housed in recent

years, we will have a huge problem. So, too, will the workers because, when the virus comes in, it will spread and cause hurt and death as it did last year. That cannot be allowed to happen again. We need an answer.

It is obvious that the vaccine strategy is the strategy for the Government. We are starting to hear about people in our lives who are over 85 getting the vaccine, which is encouraging. The rejigging of the sequencing that was announced last night is welcome. There is one element of it that I want to highlight. For the first time, as far as I can see, although it may have been done in other countries, people with chronic mental health conditions such as schizophrenia, bipolar disorder and severe depression have been identified as being particularly vulnerable to the virus. They are particularly vulnerable and they have been reprioritised on those grounds. That is welcome. Not only does it recognise how vulnerable people with mental health issues are to physical disease but it also puts a policy in this regard into practice. That is good.

The Minister of State with responsibility for mental health, Deputy Butler, should note that the mental health of people put in hotels will need to be monitored. The mental health of people in rooms for 14 days should be monitored by some kind of mental health professional so that if they need assistance, they will have a pathway. That is important. I would like the Minister to indicate how many hotels have been contacted and lined up. What types of security firms will be used? What companies will do the catering? Are the practical, operational elements in place? How far along are they?

To go back to my major point, my concern is that the Government is not really committed to this. It hopes that if the vaccine strategy is successful over the next few weeks, it will not have to use this legislation. That would be an absolute disaster.

Deputy Colm Burke: I very much welcome the introduction of the Health (Amendment) Bill 2021. Particularly with new strains of Covid-19 being identified, it is important to regulate travel from abroad. The problem with new variants is that the transition rate seems to increase dramatically. In several instances, quite a large number of people ended up contracting Covid as a result of one person coming in from abroad. This was particularly the case at Christmas. Large numbers of people came in from overseas for the holiday period and this resulted in a large increase in the number of those who contracted Covid. The increase was attributable to a mixture of social gatherings and the arrival of people who had not been home or in contact with friends or relations for more than 12 months.

The supervision of people who come in from abroad is complex. It is not easy. It is about identifying facilities and making sure there are adequate services provided at those facilities. It is also about ensuring proper enforcement of the regulations at all times. It is important that we have now increased the fines that can be imposed for a breach of regulations. I refer, in particular, to section 3. Section 31A of the Health Act 1947 is to be amended by subsection 12 such that the fines on summary conviction will be increased from upwards of €1,000 to upwards of €4,000. This is an extremely welcome development. Section 31C of the 1947 Act is to be amended to increase the fine from €500 to a sum not more than €2,000. This is also welcome. There is to be a conviction, not just a fine, so the matter is serious. One will not just be able to place a hand in one's back pocket and pay a fine; conviction will have serious consequences thereafter. That is the only way we can make sure there is full compliance.

With regard to home quarantine, I am not at all sure we have sufficient regulations to ensure people who are identified as having Covid comply with the requirement to remain isolated.

This needs to be revisited. I am not even talking about people who have travelled from abroad but about those who have been identified as having Covid. I have come across several cases involving people who were in public places even after testing positive for Covid. They were out in public within two to three days of having being identified as having the virus. We need to ensure regulation in this regard and we must have further enforcement and checks and balances to deal with it.

Contact tracing has been difficult. Several people involved in contact tracing to whom I have spoken have referred to the lack of co-operation on the part of certain individuals in providing information. Can we give more powers in this area? We need to consider this.

I welcome the work done by all our medical professionals in this area over the past 12 months and I acknowledge the challenges they have faced. They have delivered very well in the healthcare service.

Deputy Jennifer Murnane O'Connor: The purpose of this Bill is to provide for the mandatory hotel quarantining of inbound travellers from listed countries owing to Covid-19. We have all been calling for this measure for a long time but I am concerned about a couple of matters. I have been contacted by a number of host families who welcomed students from Spain and Germany in September. These students paid their fees, enrolled in our schools, took their PCR tests and quarantined. They did not go home to their families in December and now many of them, particularly transition year students, have been told they will not be able to return to in-person education until 12 April. If they travel home now, can they expect to return, take their tests and opt to quarantine or will they face a fine for their travel? What plans are in place to give notice of a change in country status? Can these students now return home and be assured they can fly back, quarantine in their hosts' homes, present their negative tests and get back to school? Information is key here. These families and students want to do the right thing but they want information so they can make sure they do as required by NPHET and do everything by the book.

We need to significantly ramp up the public health teams to track and trace every case of Covid and stamp out rogue variants by ensuring we trace efficiently. It is important we have tracing. That is something all of us have been calling for. We have not had enough tracing at any point. We need to hire more tracers because we are not asking everyone to quarantine. I ask the Minister to address that point.

This Bill intends to provide for the mandatory quarantine of persons coming into the State who fail to comply with certain requirements relating to testing for the disease and coming from outside the risk countries. Since 16 January, all passengers arriving here must have a negative Covid-19 PCR taken within 72 hours prior to arrival. Children aged six years and under are exempt from this requirement. What will be the requirements for families with a child under the age of six? I understand evidence is emerging of a new variant of the virus that is more harmful to young children. Is it proposed to expose potentially healthy children to the virus because we do not test them or will we test every single traveller who we require to quarantine in a facility run by the State? These are questions that need to be asked.

Last week, the Government announced 37 vaccine centres throughout the country. While I welcome that announcement, there was a mistake regarding the Carlow centre, which was listed as the Seven Oaks Hotel. The hotel got word on the evening in question, however, that it was not to be the test centre and the Barrow Centre at Carlow Institute of Technology was to be the

new test centre. I ask the Minister to consider designating the Seven Oaks Hotel as a second test centre for Carlow. It is in the town and well located. Carlow IT's Barrow Centre is also an excellent centre but it is a little outside the town. Will a bus be provided to bring people who do not have transport to the centre? I ask the Minister to consider that and to make the Seven Oaks Hotel a second vaccination centre for Carlow.

Deputy Imelda Munster: Making sure the State provides quarantine facilities and takes a proactive role in ensuring people entering the State can be quarantined effectively and safely will go a long way to help fight this virus. Common sense would dictate that. However, this Bill is a year late. NPHEC recommended quarantine nine months ago and here we are, nine months later, with a Bill that does not go anywhere near far enough. It is mind-boggling that for almost a year, in some form or other, people in this State have endured severe restrictions on their movements, while the Government has operated an open-door policy on travel. This Government has allowed new variants into the State and we can clearly see already the effect of the British variant, in terms of how quickly it spreads and how difficult it has been this time around to get the case numbers down. A few days ago, we learned that the Brazilian variant has been found here.

People are at the end of their tether. It is fair to say that most of the population is in crisis. People have been stuck within their 5 km range for two months now with no end in sight. They have endured restrictions beyond anything anyone could have imagined. Schools are closed, people are out of work, businesses are failing, people are losing their homes, others are not able to visit family or friends and are missing out on funerals, birthdays and weddings. All of these things are affected. The Government's decision not to address travel has had devastating effects. People have become sick and others have died. The decision not to take a proactive role and have everyone arriving here quarantined and tested to ensure they are not carrying or spreading diseases is one of the biggest mistakes made during this entire pandemic. People have worked very hard in the last year to do their bit and fight this virus, so it has been a kick in the teeth that basic arrangements for travel and hotel quarantine have not been introduced until now.

The lack of leadership from this Government is shocking. It is sickening for people to see Ministers and Deputies leaking sensitive and important information and constantly trying to get one up on each other, rather than communicating clearly with the public. Everyone understands that this is an incredibly difficult situation but the Government's dreadful communication strategy adds insult to injury.

This Bill is yet another half-baked measure. Anyone travelling to this island for non-essential reasons needs to undergo mandatory quarantine. At what stage will the Government wake up to this? The Government says it wants this to be the last lockdown, as we all do, but if it does not take action and introduce these measures, it may well be the case that this is not the last lockdown. It is time the Minister and the Government got their act together and introduced mandatory quarantine and testing for all non-essential travel to this island.

Deputy Róisín Shortall: The failure to address the issue of travel and the consequent importation of various strains of Covid into this country have been among the biggest failings of this Government. This absolutely baffles people and has made a major contribution to the low mood of the public generally, particularly since the Christmas period. We are all feeling that and hearing it from our constituents. It is clear from listening to people in the media, meeting or speaking to friends on the phone and speaking to neighbours that the mood is very low. It was

captured last weekend in a social media post, from which I will quote because it encapsulates and articulates exactly what the public mood is like at the moment. It is from a woman called Clare Kelly, who is a developmental cognitive neuroscientist in Trinity College Dublin. She wrote:

Hints about lockdown extending to May have left people feeling upset, frustrated, & outraged. Bungled communication, mixed messages & the lack of a goal other than misery-level mitigation threaten the high level of lockdown compliance people have shown so far. Here's why –

Following the rules means huge collective sacrifice: an inability to see family & friends, travel >5km, or gather in the park. We are all tired & frustrated, yet compliance with the rules has remained high. But the consequences of gaps & loopholes are increasingly clear.

Failure to impose sufficient travel restrictions, incl. Mandatory Hotel Quarantine for ALL travellers, repeatedly seeds the virus in our communities & imports new variants. Too many employers demanding attendance means workplace transmission is high.

The result is that we feel our collective sacrifice is undermined. This situation can lead to reduced compliance in several ways:

We feel the rules are unfair. When our evolutionarily deep-rooted need for fairness is violated, we experience wounded pride (being “taken for a mug”) &/or anger (personal/moral outrage). These emotions lead to protest, rule resistance & even rebellion.

We feel our efforts are wasted. People will not continue to comply when they feel the situation is hopeless & their efforts wasted. When a goal is felt to be unachievable, we abandon & devalue it. Reduced compliance helps resolve the conflict felt about giving up.

We feel we are being disrespected. Info leaks, mixed msgs, incoherence amongst leaders & perceived violations of promises & responsibilities (e.g., to protect the health of citizens [that is pretty basic]) adds to feelings of unfairness, provoking anger & reduced compliance.

These are rational responses to our situation, where personal responsibility is squeezed to its limit. To prevent declining compliance & 4th wave, political leadership MUST take action to: 1) link restrictions w/ clear goal ... [and with] intermediate case-linked benchmarks & rewards for success (e.g. relaxation of 5km rule once cases reach a specific reduction); 2) immediately address & enforce travel restrictions; 3) communicate clearly, coherently & respectfully; 4) focus attention on the successful cooperation of majority not bad behaviour of a few.

That encapsulates just how members of the public are thinking at the moment.

Those feelings were not eased in any way by last night's announcement by the Taoiseach. We have had this drip-feed of information and, unfortunately, the leaks and kite-flying have been shown to be accurate. We are now faced with more of the same. It is a case of continue to muddle along for the next six weeks and then we will see what happens. There are no clear targets, identified goals or an aim around which people can coalesce and work because there is no political leadership on this. Let us wait and see can only mean rolling lockdowns. It is the policy that has been pursued from the very beginning. It is a policy that has failed us, which is why we need a new direction and a new strategy.

It was quite incredible that in the long-awaited and much-publicised announcement by the Taoiseach last night, the issue of travel was not mentioned even once. It is amazing that should be the case when many people are having those feelings about why they should continue as they are when the Government is not playing its part, particularly regarding giving guidance on how we can now redouble efforts to get those figures down. We know that the schools and other aspects of our society and economy cannot open up until those figures dip right down, as they did last summer. A key part of this is also to ensure that once we get figures down, we do not continue to import the virus and reseed it, because that has been happening for the past 12 months.

The legislation for mandatory hotel quarantining we are discussing looks more like a box-ticking exercise rather than a serious effort to stop the importation of the virus. It needs to be amended in many ways to close the loopholes on quarantine requirements and ensure that inward travellers from all countries are subject to mandatory hotel quarantine. We know that almost half of the visitors who have come to Ireland from abroad declared that their travel was non-essential. However, the Government has only put 20 countries on the hotel quarantine list. In the first two weeks of February, passengers from only one of those countries were even arriving into our airports. They only accounted for 7% of all international arrivals. We need to know the rationale behind putting those other countries on that list. Most that were added are sub-Saharan African countries. I am not sure how many people travelled from there. We need clarification, of course, on the numbers who are travelling from there and confirmation that we are talking about people whose travel originates in those countries, even though many of them will be transiting through other airports.

Figures show that since the post-Christmas period, approximately 72,000 people arrived into our airports. The big numbers came mainly from European countries, a matter about which we are not doing anything of serious consequence. There has been much talk about Brazil and the Brazilian variant, yet most people who travelled here from that country came through Portugal. Is there clarification that all those travellers are being picked up and that there will be a response when they arrive here?

The real “game changers”, a term used an awful lot by the Taoiseach who refers to various game changers, are actually the virus variants that give rise to completely change the approach. They create huge uncertainty and give rise to unknowns about the future. That is why we need to take a completely different approach and concentrate absolutely on limiting the potential for the importation of existing known variants to the greatest extent possible. The Minister has already outlined that there is much concern, particularly regarding the efficacy of the existing vaccines in the context of responding to the new variants but also the inevitable other variants that will emerge over time.

This legislation will have little impact on the numbers arriving from abroad. Of equal concern is the fact that the proposals relating to people who will engage in onward travel to Northern Ireland are not clear at all. We tried to get some clarification on this the other day but it was not forthcoming. It seems, therefore, that the requirements for people travelling from those 20 designated countries will not apply to people who will be transiting on to Northern Ireland or people who are resident in Northern Ireland and who come through the Republic’s airports, particularly Dublin Airport. Again, we have a loophole and another opportunity for a dodge. People will be arriving in with the same kind of public health concerns we have about people who live in counties Kerry, Wicklow, Galway or anywhere. They will be exempted and they will travel. They might get the train, Aircoach or Bus Éireann coach to travel the North. What is going to happen? Will that remain as a serious loophole? Will anything actually be done to

ensure there are controls on the potential importation of the virus from those people?

Equally, the reverse of that is a matter of concern. As matters stand, people from the Republic who decide to travel into Belfast, for example, and who are coming from one of the designated countries are required, under legislation, to present themselves at a hotel for quarantine. Again, how on earth is that overseen? How does one monitor that? It is mind-boggling. There is no explanation for that whatsoever. Of course, we know about the lack of response from the authorities in the North throughout last summer in the Dublin dodge. That really is unforgivable. For the last nine or ten months, many of us have spoken about the need for an all-island strategy to address this issue of the importation of the virus. We know, of course, from the record now that there was little or no response from our Minister for Health or, indeed, the Government. At no point was a serious effort made to engage with authorities in Northern Ireland to work to achieve an all-island strategy. That was a major missed opportunity.

Of course, we need to learn from countries such as New Zealand and Australia that have implemented successful hotel-quarantining systems based on requirements for all incoming passengers regardless of the country of departure.

5 o'clock

Those are the principles underpinning a successful strategy that has been used in many other countries. It has to be said that does not include European countries because Europe, in the main, has not responded to Covid particularly well. Apart from New Zealand, Australia, Taiwan, South Korea and Vietnam, many other countries have led the way in how to respond successfully. It entails controlling the importation of the virus. Once that has been done and the numbers have reached a low level, which we achieved last summer and are capable of achieving again with political leadership, the reward is the opening of the domestic economy, domestic tourism and schools and a functioning social life. That is what we could achieve if a different approach were taken. It is not as if a lockdown to achieve that objective would take longer than what the Government is proposing now. Unfortunately, what the Government is proposing does not mean there is an end in sight. Rather, it is a recipe for rolling lockdowns. I cannot see that the Government is effectively doing anything different from what it has done for the past year.

Unfortunately, there are a number of unknowns in this legislation. It was rushed, in spite of the statement from NPHET on 8 May last year that a mandatory regime of self-isolation for 14 days at a designated facility for all persons arriving into Ireland from overseas was required. In recent weeks, NPHET has reiterated that any discretion on quarantining or isolation must be removed, yet the Government ignores its advice. The country has paid an enormous price for that failure.

I will make a couple of other points on the legislation as a number of matters are not clear. We should have had this legislation at least six months ago. It is now being rushed through very late in the day, which means there has been no pre-legislative scrutiny of the Bill. We had a short briefing on it the other morning, which is no way to do business. There are problems with the Bill, including potential loopholes, and we do not have adequate time to consider them. There is a lack of clarity on who will oversee all of these provisions. Concerns have been expressed about ensuring that we have adequate human rights protections in the Bill, similar to those that other countries have put in place. It is important that any exemptions to quarantine must be clear and effectively communicated to the public. It is also essential that a

risk assessment, including a mental health assessment, is carried out on persons in State care, which is what quarantine would effectively entail. It is important that we have proper physical and mental health supports, oversight and services provided for people who are in quarantine.

What is not clear is what will happen if people do not pre-book for quarantining. Can the Minister guarantee that accommodation will be available? We do not know what practical steps have been taken so far. It seems the hotels, transport services, food and other catering services to be used, as well as details on the provision of health services, have not been finalised. It would be helpful if we could get a briefing on that because a briefing was not available this week when we requested one.

It is vital that this legislation is introduced. Notwithstanding how important it is and how rushed people are, it is also important that there is no compromise on proper procurement. We need to have transparent procurement for all of the necessary services I listed. We cannot have a repeat of what happened last year. The Minister will remember the scandal of the taxpayer paying €14 million for ventilators which were never used, the whereabouts of which we do not even know. It would appear that contract arose from personal contacts, potentially at a political level. I am still waiting to hear from the Tánaiste about claims that he had some involvement in the matter. I wish he would reply to my letters. We cannot have such a lack of transparency. However rushed this is, we have to do it properly and ensure the suppliers of services are reliable and trustworthy. We should not be operating on the basis of personal recommendations, particularly at a political level.

We will deal with amendments tomorrow. It is critical that the Minister listen to what other people are saying. He has been left to manage this issue. His colleagues, the Ministers for Transport, Justice and Foreign Affairs, have basically abandoned him to deal with it. It should not be that way. The Minister's colleagues did not take on their share of responsibility last year when they should have done so. It is important now that responsibility is shared. Given the huge workload of the Minister and his Department, I am concerned that many aspects of this proposal will be overlooked. The fundamental problem with the Bill, which we support in the main and in principle, is that it does not go anywhere near far enough if we are serious about clamping down on the importation of the virus. The public will not forgive the Government for that.

Deputy Dara Calleary: This legislation is necessary given the way the disease is unfolding. Having reflected on some of the discussions and debate around the Bill, I fear that travel is being presented as some sort of totemic issue in the belief that many of the answers to the challenge we face with Covid lie in banning and restricting incoming travel. That is not the case. There are many other challenges. We will be coming back to this legislation because there will be difficulties with implementing it. Difficult cases will arise over the coming weeks. For this reason, the legislation needs to be flexible in order to deal with the various demands of travel. We have to redouble our efforts to finding an all-island solution to this problem. This legislation will not be effective, whereas some sort of all-island policy on quarantine and testing could be agreed. We need to dedicate ourselves to achieving that.

People are in a very dark place. The last number of weeks have been difficult for everyone, as the Minister knows. I welcome the extra resources allocated to the Minister of State, Deputy Butler, for mental health services. It is important that those resources are spent and made available in communities around the country. I commend the Minister of State on her approach to the roll-out of the vaccination programme in nursing homes. That has been effective and has

provided great assurance, not just to the residents but also to their families and nursing home staff. We are much further on than we were at the beginning of this process. I commend the Minister of State on that effort and I ask her to bring that same focus and effort to the roll-out of mental health supports to communities across the country in the context of Covid.

As I said, there are other issues that will also need to be reinforced and addressed again in our battle with Covid. I welcome the changes in the vaccination programme the Minister announced last night, which will see people with certain conditions moved up the list. I note again the role of family carers. I accept that if somebody moves up the queue, someone else must move down. However, the role of family carers in guarding against illness and doing unrecognised work to protect the health service needs to be reflected in the vaccine roll-out.

I also raise with the Minister the vaccine centres. County Mayo, the third largest county in the country, has only one such centre. There needs to be a greater roll-out and greater availability of vaccine at the centre in Erris, which, unfortunately, has suffered so much Covid-related trauma in the past number of months, and also in Ballina and in east Mayo. There continues to be difficulties around the logistics of the delivery of vaccines, even for the over 85 cohort in which we are so progressed at this stage. GPs are still contacting me saying it is impossible to get information as to when they will get their schedule, which is due to be delivered by Friday week. There are lessons to be learned from the past three weeks in terms of that roll-out for the bigger roll-out. I hope that the Department takes the chance to roll those out and to work with the various supply chains so that they are resolved and that information is given.

Huge store is being placed on the vaccination programme and we all wish it success. However, it must work on the basis of building confidence, which, in fairness, has been done so far. We need to build confidence also in the logistics.

I ask people commenting on this Bill not to make something out of it that may not be in it in terms of its input.

Deputy Pádraig O'Sullivan: Like Deputy Calleary, I was listening to the debate outside the Chamber. I was listening and reflecting on what different Deputies were saying. One phrase the Minister used at the outset of the debate was that not everybody will be happy with this legislation. That certainly seems to be the case. Some people do not think it goes far enough. Others think perhaps that it goes too far. I listened with amusement then to Members from one particular party on the left standing up, one by one, criticising people being unable to attend communions, parties and funerals. That very same party, as is well documented, attended a funeral in the North not so long ago and there was no question of fines, isolation or quarantine afterwards. It is quite hypocritical that they stand up, one by one, and throw those accusations when they themselves have not been seen to be overly compliant with regulations.

Returning to the Bill, for some people it will not go far enough but I believe it is welcome. I believe it gives us the necessary protection from people travelling into the State in terms of the possible spread of the virus but it also proposes to institute a quarantine regime that is appropriate and commensurate to the challenges posed by the virus.

I believe that what the Minister is proposing will complement the existing regulations around quarantine. I note that there are 18 additional countries on the category 2 list, which now comprises of 20 countries which are subject to stricter quarantine requirements. It goes without saying that the prevalence of the virus globally, its ability to reinvent itself as a different

and sometimes deadlier strain, and its transmissibility require that the list of category 2 states needs to be constantly under review. Can the Minister elaborate on precisely what the qualifying criteria for such a state on that list is? It would give us some reassurance if the Minister could elaborate on that in his summation.

I note that the responsibility for designation of appropriate facilities falls to the Minister once he is satisfied that the facility is suitable and of sufficient quality to meet the health and welfare needs of those quarantining. I am sure the Minister is aware of the public inquiry in Australia in relation to difficulties with their quarantine programme. In fact, I can see that in the Bill the Minister has tightened up on issues such as the use of cleaners in facilities and how people here will be responsible for cleaning in their own rooms. Following on from that, I believe poor ventilation in rooms was another contributing factor to the poor performance in the Howard Springs complex near Darwin. I hope that the designation of such facilities here is thorough and that we learn from Australia's failings. My concern lies with the agreement the Minister or the HSE might have with these approved persons. Is there a template devised by the Department around the security of these facilities, provision around meals and other routine tasks in the facilities, the provision of training to staff, the use of personal protective equipment, PPE, etc.? These are some of the issues surrounding the problems referred to earlier in Australia and if the Minister could provide some detail in response to the requirements placed on these approved facilities, their obligations to those staffing these facilities etc. it might give a bit of reassurance to the public at large.

Deputy Brian Stanley: I welcome the opportunity to speak on this.

Since day one, it has been essential that we bring the public with us every step of the way and in every decision during this Covid pandemic. However, each week it becomes more difficult to explain to the public the inconsistencies and decisions that the Government is making. The public wonder why they are restricted to 5 km and why they cannot visit family, go to church or do normal things. That has to be at present, but at the same time the Government has dragged its feet for ten months on mandatory quarantine and real restrictions on international travellers. Ten months ago, Sinn Féin called for a 14-day mandatory system of hotel quarantine for international inward travel. So did the Chief Medical Officer, as a matter of record. Finally, after all the foot-dragging, the Government has now at last moved on this issue, but only for 20 countries. This is worrying when the Brazilian and South African variants are on tour right across various continents.

We have also called for much more to be done to take advantage of the island's sea border. This is a challenge and yet the Government has shown a lack of leadership on North-South co-operation. Two weeks ago, I asked the Minister whether we had requested data sharing with his counterpart in the North. I ask the Minister again today has that been done. There has been no serious effort to support Sinn Féin's efforts to get the DUP to join a coherent all-island strategy to tackle Covid and place restrictions on ports in the North.

I will raise a few points around the vaccine. Capacity needs to be ramped up across the State. I am not fool enough to think that there is a silver bullet to solve this. It will take many measures to do it. We realise the difficulties involved but there are things we can do. We need to ramp up capacity so that when supply comes we can deliver it. We need to use Army medics. Can people who are medically trained within the Civil Defence and Order of Malta, who are trained in vaccinations, be used? That is happening in other countries.

With regard to centres, I am aware that the Pfizer vaccine cannot be used everywhere and can only be used in a controlled environment because of the temperature requirements. However, other vaccines can be stored in an ordinary fridge. Why are we not utilising town halls and community centres that we have at our disposal? They are empty at present. Why not use property that is owned by the local authority and parishes instead of using private venues all the time where someone makes a profit out of the pandemic?

Finally, testing and tracing needs to be improved. The recent halt to the programme for close contacts shows that it is not adequate. It is essential that we get this right and that the capacity is there to defeat the virus. We all know this. The Government knows it. We know it.

Even at this late stage, I call on the Government to use the options it has. The Government has options to improve the restrictions on international travel and increase all-island co-operation. We will support the Government every step of the way with that. Let us ramp up the vaccine roll-out. If we do these things, we have some hope of getting society back to a level of normality as soon as possible.

Deputy Richard Boyd Barrett: I am sharing time with Deputies Paul Murphy and Barry.

Sadly, this legislation on quarantine is the latest instalment in the totally defective and failed policy of the Government for dealing with Covid-19. To be honest, the legislation is nothing more than quarantine by name, but neither in effect nor in practice, for incoming travellers and therefore will continue to allow the virus and the variants to move into the country freely and completely undermine all of the huge sacrifice and hardship that the public are going through. People have endured two months of harsh lockdown but, because the Government refuses to introduce a mandatory quarantine on all non-essential travel into the country and simultaneously refuses to deal with those employers who are breaking the lockdown and ignoring the work-from-home provisions of public health, the Government is undermining huge sacrifices and efforts that everybody else is making and guaranteeing that the lockdown will go on indefinitely. The Government is prolonging the agony because of indecision and half-measures and this legislation is one of the most extreme examples of half-measures when it comes to dealing with the importation of the virus. The idea is to select 20 countries, particularly from Africa and Latin America, and one from Europe for some odd reason. In respect of the majority of other countries - in Europe, the US and elsewhere - where we know that the virus is circulating at high rates and the variants will come from, there is a different set of rules and quarantining will not be required. That is madness. This decision is full of holes and renders the entire approach meaningless, but it is linked with the Government's half-baked policy for dealing with Covid.

I must take this opportunity to say that the Taoiseach should start being honest. He was thoroughly dishonest when he told Deputy Paul Murphy today that those who advocated for zero Covid wanted a longer lockdown. Under the Government's policies, we have been locked down for nine of the past 12 months and we will be locked down indefinitely because it continues to allow rogue employers to break lockdown regulations and allows incoming travel from countries from which we know the virus and its variants will come, thereby undermining public health efforts and the significant sacrifices that our healthcare workers have endured in dealing with the pandemic and guaranteeing the continuation of the surge-lockdown pattern. The Government has learned nothing, but it wants to pretend that it is doing something. Why it is doing this is inexplicable. The only reason I can imagine is that it has some misguided notion that this will protect certain economic interests. That would be short-sighted, though. In truth, failing to drive the virus down, chase it out and then prevent it from re-entering the country is a

recipe for more severe and long-term economic damage, which is exactly what has happened.

We are arguing for a clear policy of acknowledging that we cannot live beside Covid-19. The idea that we can is a dangerous fantasy, and a fatal one for the more than 1,000 people who have lost their lives this year alone as a result of it. It is a half-life and not living for the majority of people who remain indefinitely locked down.

The virus will come to the country from abroad and chase us in our communities because that is what the Government is allowing it to do. The Government imagines that there are tolerable levels of infection. People should think about this. The Government is already talking about lifting restrictions when infection levels are still three times higher than when it lifted restrictions in December. It imagines that it will be able to manage and control this situation even while operating a quarantine regime that does not apply to the majority of countries where the virus and its variants are circulating. That is madness. I appeal to the Government to wake up. It is taking a serious gamble. Ironically, it is worsening the possibility of losing that gamble through its half measures in respect of the travel quarantine. If the virus continues to circulate and the Government continues to allow more variants into the country because it will not impose a quarantine on travel from most of the countries from which they come, the chances of the vaccination programme on which we are all depending being undermined are greater. The greater the number of variants that enter the country, the more the virus circulates and the greater the possibility that one of the variants will evade the vaccine. Then we will be in serious trouble. If, on the other hand, the Government drives community transmission levels down to zero, it has the public health infrastructure and tracing and testing infrastructure to deal with outbreaks, and it prevents the reseeding of the virus through travel into the country, the likelihood of the vaccination programme being effective in eliminating Covid-19, allowing us to get our lives back and ending the misery of a semi-permanent cycle of surge and lockdown is far greater.

I will make a few specific points about the legislation. We have tabled amendments to the effect that all countries and non-essential travel should be subject to mandatory quarantine. We have also tabled amendments to deal with the outsourcing facilitated by this legislation. It is noticeable that Australia, which runs an effective quarantine regime, does not allow outsourcing. The Government is planning to outsource many elements of the services that would provide the quarantine facilities to agencies and other business interests that want to make money out of them. Not only is that disgraceful, in that it potentially facilitates people profiteering from the quarantine regime, but it also threatens to undermine the health purpose of quarantine. If agency workers move from one quarantine location to another, the possibility that they will spread the disease is heightened. This is specifically precluded in Australia, where people are directly employed by the state authorities and stay at one location so that they do not spread the virus.

We do not understand why the Government has made a series of exceptions. In particular, why are politicians, diplomats and state officials exempted from the mandatory quarantine provisions? Is there some notion that politicians and diplomats cannot carry the virus? It is ridiculous. Politicians, diplomats and state officials should be subject to the same rules. Of course we need haulage, direct logistical work and so on, but I do not know why the Government is allowing so many exceptions.

My final point is related. The Government praises the healthcare workers who have borne the brunt of this crisis on the Covid front line when it needs them or wants to exploit them, but

it abandons them when it believes no one is looking. It should be noted that the Irish Nurses and Midwives Organisation, INMO, stated in recent days that student nurses and midwives, to whom promises were made about recognising and acknowledging their work while on placements on the Covid front line in our health service, had been abandoned. The Government has abandoned them. They are either not getting paid or those who are getting paid anything are being paid less than they were last March. They are even being told that they may have to repay the time lost on placements later in the summer, meaning that they will be punished for working on the Covid front line. That is a disgraceful treatment of our student nurses and midwives.

Deputy Paul Murphy: For months, RISE and People Before Profit have been to the fore in calling for mandatory hotel quarantine for all incoming travellers as part of a zero Covid strategy that is based on socialist policies. We are not alone in this. Nine and a half months ago, NPHET wrote to the Government calling for “a mandatory regime of self-isolation for 14 days at a designated facility for all persons arriving into Ireland from overseas”. That was 8 May. It repeated its call in August. That call has overwhelming public support. Multiple opinion polls show that approximately 90% of the public agree that we should be banning non-essential travel and that all essential travellers into the country should have to undergo 14-day mandatory hotel quarantine.

What we have in the Bill is not the mandatory hotel quarantining that NPHET was looking for, that the socialist left has been calling for and that has vast public support. Instead, we have a half-hearted attempt to pretend that the Government is introducing the necessary mandatory hotel quarantining. It is the practical equivalent of closing one window in an entire house when all of the other windows and the front and back doors are still open. It will affect a tiny minority of travellers coming to the State. Unless we hear from the Government that it will be taking on board the Opposition’s amendments we will be opposing this legislation and demanding instead that we have proper mandatory quarantine for all incoming travellers from all countries, without the sort of scope for outsourcing and profiteering that is contained in the legislation.

I want to focus on three key issues. The first is the structure of the Bill. While it is true that the 20 countries the Minister plans to include with a statutory instrument are not mentioned in the Bill, the Bill explicitly provides that countries will be added only on a state-by-state basis. With this legislation, the Government cannot do what is necessary. After this Bill passes, the Government cannot be persuaded that we must have full mandatory quarantine for all travellers. One cannot do this with the legislation. It is structurally entirely inadequate. What we should be doing is starting with the position of quarantining all travellers from all countries and then we can, bit by bit, establish green zones for international travel and take countries off the list. Instead, the Government is doing the exact opposite and is locking it in with the legislation.

The second point is on the provisions in the proposed section 38H, which is a recipe for outsourcing on a massive scale. The legislation provides massive opportunities for profiteering. As our amendment sets out, this should be provided by the HSE or another public body on a not-for-profit basis. Deputy Boyd Barrett made the point on Australia. There was a case, for example, in Victoria where some of these operations were outsourced and it was a disaster. The conclusion was that if it is done on a for-profit basis, there will be attempts to scrimp and save to maximise profits, there will be the transfer of staff from one location to another because they are poorly paid and public health will be undermined.

The third point is the list of countries. This morning, the Tánaiste asked why we would put someone in a hotel for two weeks when there is no Covid in those countries, speaking about

the Isle of Man and Iceland. He did not ask why we would not put someone in a hotel when they are coming from countries such as the US and Britain, where Covid is absolutely rampant. It is very concerning that we have a list of 20 countries, 16 of 17 of which are based in Africa, when members of the US military are able to walk in here repeatedly and, at least three times in Shannon Airport, not abide by the guidelines. There is no quarantine for them and they are able to flaunt the regulations. It is the same with Britain. We have the British variant and the Californian variant. Will the Government act to say that now we will have to have quarantine for the US or Britain? I very much doubt it.

Deputy Mick Barry: The Government relented to the retail and hospitality lobby and opened up in the run-up to Christmas. This created a perfect storm for the virus with deadly consequences. We need a radically different approach to that of bending to the will of business interests. Instead, we need an approach that will put the interests of public health first. We need to go after this virus and repress it to single digit cases, speed up the vaccine programme, roll out mass testing and repress it further, thereby avoiding the need for yo-yo lockdowns and saving lives. The failure of governments to repress the virus has led to the development of new strains. This danger will continue due to vaccine hoarding by richer states and profiteering by the pharmaceutical industry, which is putting the vaccines out of the reach of the majority of the world's population for the foreseeable future.

The emergence of new strains, combined with the need to repress the virus, points to the necessity for a very serious approach to international travel. We agree on the need for all people entering the State to undergo a quarantine of 14 days. There are legitimate fears about quarantines not being properly respected. There have been cases of outbreaks linked to travel, especially over the summer when tourism travel was permitted and even promoted. There needs to be a significant boost to the resources given to assisting and checking people who are quarantining.

This is not enough. Despite coming forward with the Bill, the Government has still not banned non-essential international travel. It is still possible to board a flight to or from here without having to show the trip is essential. This should be the case. For those who must travel, if travel is essential, there should be an obligation to have a negative test before travel and for quarantine to be respected and checked by public health officials. In fact, more resources need to be put into this. People in this situation must be given information, advice and support to quarantine effectively, including income support to remove an economic push for people to break quarantine. Hotel facilities should be provided free of charge for people to quarantine safely where they feel they cannot otherwise do so such as, for example, people in crowded housing situations.

There is clearly a strong case for extreme caution with regard to people travelling from areas with high levels of infection or where new more virulent or dangerous strains of Covid are circulating. However, we in Solidarity have serious concerns about the legislation. The plan put forward in the Bill represents a very serious restriction on civil liberties. Of course, we all have had impacts on our civil liberties due to public health measures but this is a form of detention without trial, with people being kept in solitary confinement for a period of two weeks. We must be extremely cautious in giving the State these powers.

We note and agree with the concerns raised by the Irish Council of Civil Liberties and Nasc about the Bill. The ICCL points to the need for any measure that is a severe restriction on civil liberties to be proportionate to the public health risks and for the right of detainees to access medical and legal services, to have a system of inspections and for facilities to be staffed with

fully trained individuals who understand their duty of care to detainees. Nasc, which advocates for refugees and asylum seekers, has pointed out how the Bill will disproportionately impact a small but highly vulnerable number of refugees and family members.

Of particular concern is the manner in which these facilities will be outsourced to the private sector. Giving private profit-maximising companies the right to preside over the detention of people with next to or no real oversight is very problematic. The profit motive will mean an incentive for skimping on facilities for detainees, on staffing levels and on infection control. Many of the people entering these facilities will be in vulnerable situations, for example, people returning from family crises, elderly people, people who do not speak English and people with physical and mental health difficulties but no real protections or provisions for their needs are outlined in the Bill.

The charging of the full cost of the centres to the travellers, estimated at approximately €2,000, will give a massive incentive to people to travel indirectly and to not declare themselves upon entry. These facilities need to be provided free of charge and run on a not-for-profit basis. Profiteering from these facilities will also give an economic incentive for private companies to push for these facilities to last longer than is warranted by public health advice. There is a danger that this quarantine policy could, therefore, develop into a more long-term attack on the rights of migrants, with people from poorer parts of the world particularly affected as the wealthy nations hoard the vaccines and leave them to suffer the virus for longer.

We need to suppress the virus. As part of this, we need to take serious steps on international travel but it would be foolish to allow the State and private companies this level of power, which can lead to a myriad of abuses. For these reasons, and for others I will outline on Committee Stage, I will not support the Bill.

Deputy Emer Higgins: I welcome the proposed travel restrictions. While travel-related cases have remained relatively low, it is time to introduce travel restrictions of this nature. We know from countries such as Australia that mandatory hotel quarantine, if done correctly, is hugely effective at managing travel-related cases. Our cases have reached a concerning plateau, due in part to the UK variant, which is 90% more transmissible and now accounts for 90% of our cases. It has contributed to much of the devastation and frustration felt over the past few months.

Mandatory hotel quarantine will help stem the spread of new variants but it will not affect holidaymakers. Last month, in one single day, 800 people entered Ireland, of whom 542 were Irish and almost 400 of these were returning from a holiday abroad. Countries included in our proposed list for hotel quarantine are not typical holiday destinations for Irish people. It is my genuine fear that we are missing a trick here. Anecdotally, I have heard of Irish people factoring in the price of travel fines to their holiday budgets. Worse again, we have instances of people being stopped and fined by the Garda but still continuing to board a plane and fly to their holiday destination simply because they can. Covid-19 does not care where people are coming from or how far they have travelled. Covid-19 does not continue in the same breath. We do not know where the next variant will originate or how transmissible it will be. Exactly a year ago this week, the very first case of Covid-19 was detected in Ireland. It entered through the arrival gates of Dublin Airport. Since then, two new strains have come through Dublin Airport. The latest variant associated with California has a very real chance of making it to Irish shores because the United States is not one of the 20 designated countries on the current list.

If we allow people to take non-essential journeys into Ireland and simply ask them to self-isolate, we do a disservice to all of the sacrifices Irish people have made. The message is clear. Do not travel outside of the 5 km limit unless absolutely necessary. Holidaymakers are choosing to disregard the 5 km limit, not just to travel outside of their county but outside of their country in the midst of a global pandemic. One would have to think that maybe those same people will choose to disregard quarantine advice unless they are forced to do so. I ask the Minister to seriously consider extending the list of countries requiring mandatory hotel quarantine beyond the 20 high-risk countries. I appreciate he can do that as he sees fit under the proposed legislation.

Deputy Neasa Hourigan: I welcome the clauses in the Bill that make provision for unaccompanied minors or those seeking international protection. I would like to draw his attention to people who have been granted a legal right to enter the State as family members of refugees or under the international humanitarian admission programme. It is not practical for these people to further delay their travel to Ireland for a number of reasons. In some circumstances, the family is in danger until such time as they can leave the country.

NGOs, including Nasc, a taxpayer-funded NGO, expend significant efforts working with international NGOs to reunite refugee families in Ireland. If travel is delayed and documents expire, the process and effort would have to begin again. At the moment, the Department of Justice sets out a 12-month deadline by which a family member must enter the State or lose that right.

Many refugee families benefit from means-tested financial assistance towards the cost of flights from the Irish Red Cross administered travel assistance scheme. That programme will probably not be able to bear the additional costs of quarantine. I ask the Minister to either consider further the proposed section 38B in section 7 of the Bill to allow the Minister for Children, Equality, Disability, Integration and Youth to designate quarantine accommodation for newly arriving family members or commit to funding quarantine for people coming in under the programmes. The number of such persons would be in the dozens nationally. This will be small changes for the State but would have a significant benefit for the families involved.

Deputy Christopher O'Sullivan: I thank the Minister. I welcome the Bill and will of course support it. I have said that I would have liked it to go a bit further but I appreciate that it is being introduced and it cannot be passed too soon.

Part of how we tackle and suppress the virus involves international travel. Our testing regime will be an important part of how we suppress the virus. I want to extol the benefits of rapid antigen testing and the important role it could play in getting to a point where we can suppress the virus and once again open up society. It is fast, cheap and effective and can be a significant tool in slowing down and stopping transmission in offices, nursing homes, building sites, factories and schools. We need to explore that option more closely and roll it out. I am not asking for it to replace PCR testing but I ask that we use it in conjunction with such testing because it can help to identify pockets of the disease and help us stop them from spreading.

I also want to take this opportunity to speak about the roll-out of vaccines and vaccinations at home. Unfortunately, some elderly and vulnerable members of our societies and communities simply cannot make the journey from their homes to their GPs to be vaccinated. I know of a 94-year-old woman who suffers from severe dementia. The ordeal of being transferred from her home to a GP for a vaccination is too much and would have a significant negative impact on her. There are issues with transporting vaccines and they have to be kept at a certain tempera-

ture. People cannot wait for the Johnson & Johnson vaccine, which would solve such issues, to come on board. Can the Minister consider vaccinations at home and some method of bringing vaccines to elderly and vulnerable people in our community who cannot make a journey to a local GP because of the impact it would have on their health?

Deputy Matt Carthy: I have never met so many frustrated and angry people. I have received correspondence and have spoken to people on the telephone who are exasperated. They are exasperated because it has been a year since the first case of Covid-19 entered our shores, yet today we are talking about at some point in the near future putting in place mandatory quarantine for international visitors.

Even then, it will not be a comprehensive and mandatory quarantine system that we know will make a difference. Many people have told me that they are willing to put up with the sacrifices they have been asked to make, including their children's mental health, the exasperation in their children's eyes and frustration among their colleagues. They are even willing to close their businesses if that sacrifice on their part is matched by action on the part of the Government. It has not been in the areas where it really matters. International travel is one area in which the Government has been blind and is steadfast in its refusal to put in place the measures required.

I refer to meat factories. I have spoken on countless occasions to the Minister, his predecessor, the current Minister for Agriculture, Food and the Marine and his predecessor and have pleaded for adequate controls to be put in place. At the outset of the pandemic we knew meat factories were a breeding ground for this virus. We have seen a *carte blanche* approach and a free rein being given to meat factories to such an extent that I firmly believe the Brazilian variant reported in this country is directly linked to meat factories and encompasses and represents the inaction and failure of the Government to put in place the protections that are necessary.

We have heard about six rounds of serial testing in our meat plants. It is clearly not enough. We know that because when it came to the point where the State had almost no cases of Covid, meat factories were ground zero in terms of the re-emergence of the second wave. Time will tell what role they played in the third wave.

Meat factories are, of course, an essential part of the food production system. That does not and cannot give them the right to wreak havoc. It does not give the Government the right to turn a blind eye. I ask the Minister and Cabinet to put in place the measures that will ensure workers in our meat plants are protected by being tested on a regular basis and that controls are put in place. If a meat factory, due to a lack of due diligence, becomes a source of yet another community cluster, the provisions by which the owners of those factories are held financially responsible need to be in place.

Deputy Michael Lowry: I welcome mandatory hotel quarantine. It should have been introduced several months ago. However late, it is a significant step forward. It will be one more gaping hole filled in our fight against the ever-evolving Covid crisis. I fully support the call from my colleague, Deputy Berry, for the Defence Forces to provide security at hotels selected for mandatory quarantine. They are highly trained, accountable, responsible and much better positioned to carry out such a task. The hiring of private security firms would be a misuse of money when Army personnel can carry out this task as part of their assigned work.

I also wish to take this opportunity to acknowledge the involvement of members of the

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Garda in the overseeing of quarantine. Once again, they are being asked to risk their health and that of their families through direct involvement with people who may be infected with Covid. In recent months, members of the Garda have expressed concerns about entering places where unlawful gatherings of people were taking place. Now we are calling on them to address breaches of quarantine rules. We owe members of the Garda a great debt of gratitude for the role they play on our behalf. They must be vaccinated as a matter of priority. They are entitled to protection from Covid-19 in the line of duty.

Mandatory quarantine should be introduced in tandem with other actions. I have called in the past for the enhancement of testing and tracing. It is also vital to introduce widespread, rapid antigen testing, which has allowed numerous workplaces to remain Covid-free.

The greatest weapon we have in this war is the Covid vaccine, and it must be the primary focus of the Government. Mass vaccination will give people some semblance of normality and a sense of freedom and control in their lives. No single issue since the start of this pandemic has monopolised the minds of people like the Covid vaccine. People are devouring information. They want to know what is happening and to see the evidence that something is happening. They need reassurance that the Government not only recognises, but shares, their sense of urgency. The Government will ultimately be judged on the successful roll-out of the vaccine. If the people of the country deem the roll-out to be successful, the Government will be remembered as the one that brought the country through a pandemic. If the roll-out is considered to be slipshod or ineffective, it will not be forgiven.

People are looking enviously at Britain as it plans a full reopening of the country in June. Britain outsmarted the European Commission. The EU central purchasing strategy is flawed. The European Union's procurement of vaccines has been a shambles. The Commission was slow off the mark. It did not order on time and did not secure a sufficient supply. It is now playing catch-up and making excuses for its incompetence. The European Commission has let down the citizens of Europe. The lack of certainty about schedules and deliveries has impaired vaccinations in Ireland and across Europe. A shortage of vaccines has implications for the health of citizens. The slow roll-out has a massive impact on our ability to reopen society and get our economy moving again.

At the same time, people in Ireland are getting mixed messages about how soon different categories of the population will be called for vaccination. We must have clarity and certainty. People's stress and anxiety are mounting. Family carers appear to have been ignored again in yesterday's revised primary list. The Government must allay fears and give people hope. Competition is growing among vaccine manufacturers and supplies will become available and plentiful. The focus should now switch to ensuring that the logistics are in place for when the vaccine arrives. The messaging must be strong, clear and accurate and leave no room for dispute. Information given to the public must be beyond contradiction.

Vaccination centres must be prepared and functional in advance. When the vaccines arrive, it should be just a matter of opening the door and being ready to start. Rosters for vaccinators should also be drawn up well in advance of the arrival of the vaccines. There is no wisdom in waiting until shipments have arrived to establish when vaccinators can be available. We must know that they are engaged and ready to start. People want to get vaccinated. They want their lives back. At this point in the traumatic and destructive Covid journey, people will do whatever it takes to bring the end nearer.

Deputy Cathal Berry: I welcome the Minister. I am conscious of the clock so I will be as brief as possible to allow my colleagues to contribute before the close of business.

I wish to make five points. First, I welcome this legislation. Of course, it is belated. We would all prefer to have mandatory hotel quarantine up and running at present, but it is better late than never.

Second, I believe the legislation strikes the appropriate balance. For example, I welcome the safeguards for unaccompanied minors and the fact that there is a prompt appeals mechanism for humanitarian cases. Most importantly, it is very good that a sunset clause is included. If the legislation is enacted, it must be rolled over every three months by a motion of the Dáil. That is a good principle and practice for other legislation as well.

Third, I echo what some other Deputies have said in this debate. I do not believe the Department of Health should be in the lead on this matter. The Minister and the Department are already overloaded. The Department of Justice, the Department of Transport or even the Department of Defence, as is the case in New Zealand, should take the lead on this system. The HSE is already running three new streams that did not even exist 12 months ago. It is running testing, tracing and vaccination. Including quarantining as a fourth arm of the State is too much for the HSE. One of the other Departments should take the lead.

My fourth point relates to people coming from Northern Ireland, either transiting through it or residents of Northern Ireland. As I am not convinced that the mandatory hotel quarantining system will capture all those people, perhaps the Minister will elaborate in that regard in his closing remarks.

Fifth, and perhaps most importantly, the key point is that nothing but the highest professional standards must exist in these designated facilities. We see from the example of Australia that if there are lax standards, far from helping, it will hinder matters or cause a further issue. The last thing one wants is these designated facilities to become epicentres or clusters of the virus. Anything we can do from that perspective should be welcomed.

In conclusion, I thank the Minister for bringing this legislation forward. I look forward to his closing remarks in which, perhaps, he will expand a little on how the legislation will operate on the ground.

Deputy Matt Shanahan: It is no exaggeration to say that the population is becoming traumatised by the continuing effects of Covid-19. This is the last time we should ask the Irish people to continue with level 5 restrictions, albeit softening them slowly. There is no doubt that significant mental stress has resulted for many in the population. This has been particularly so for the education sector, especially special education and the many teachers, carers, parents and pupils. The latest announcements regarding the return to school are welcome, especially for leaving certificate students, early years education and those in special education.

Like many others, I welcome the re-prioritisation of vulnerable and immunosuppressed people in the vaccination schedule. I believe the Government will also have to consider some cohorts in the carer sector for priority vaccination, given the exceptional difficulty that could occur for a vulnerable person if the person's carer becomes indisposed due to Covid-19.

However, even as the Government commits to schooling and vaccination, there is very little in the plan for the private business sector or for those who depend on the hospitality and tour-

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ism sectors for their livelihood. We all understand that transmission of the virus is the arbiter of opening up the economy but significant questions remain for me and many others. What is the overall action plan, aside from waiting on sufficient vaccine supply, to prise ourselves out of this situation? The vaccine strategy is fraught with danger on two levels in particular. One is that we may not secure appropriate supplies for a considerable length of time. For all the time that we depend solely on a vaccine fix, we risk a new variant of Covid coming into the country and undoing all the hard work the population has done to date. We have seen how the British variant has become the dominant strain in less than 12 weeks, and the Brazilian variant has been identified in the North of Ireland. How can we protect our future, hard-won gains if we cannot protect our borders and the movement of people throughout our country? We have had months to consider border restrictions and full quarantine, yet we faced waiting for weeks for legislation to be drafted. This can hardly be deemed to be acceptable.

Along with the furloughed economy, there is now a tsunami of deferred activity in the hospital sector, with waiting lists doubling from the position 12 months ago. One of the services that is restarting is BreastCheck, which has been closed for many months and has over 240,000 on the mammogram waiting list. This scanning was deemed unsafe due to Covid transmission rates, but how is it there was no proposal to try to provide screen testing to BreastCheck patients in advance of their scans to keep the service operational? This sounds like failure, not fail-safe. The same rationale applies to many other activities, both public and private, that are currently furloughed. Could our health experts not follow the leads of countries such as England, Germany, France and the US and implement antigen screen testing in many of our work settings? What is to stop us screen testing construction workers every two days using antigen tests, to open the construction sector and monitor the testing effectiveness? There are many other sectors and areas that could benefit from this approach.

The current planned pathway gives nothing certain to the business sector other than the promise of continuing support, which, for many, is like pumping oxygen into a dead body.

6 o'clock

Many private business owners are facing significant warehoused debt and demands for rent and utilities. Moreover, they are incurring significant interest penalties on long-term loans on which the banks are once again looking for payment. Many owners know full well that when they resume trading, their revenue will be a fraction of it was pre-Covid and is likely to remain that way, leaving their business technically insolvent. These businesses need something like certainty.

The Government should implement the kind of steps that were spoken about early on in the crisis, namely, widespread population screening, rigorous testing and border controls. I do not think that we can continue to limp along, waiting on European medicine supplies to fully deliver us from this crisis. We need to find new ways to live with this virus while we wait for the technology, which hopefully will fully eradicate it in the future.

Debate adjourned.

Written Answers are published on the Oireachtas website.

The Dáil adjourned at 6.01 p.m. until 10 a.m. on Thursday, 25 February 2021.