



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Covid-19 Vaccination Programme: Statements . . . . .	148
Ceisteanna ó Cheannairí - Leaders' Questions . . . . .	176
Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation . . . . .	184
Statement by An Taoiseach. . . . .	193
Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018: Referral to Select Committee . . . . .	195
An Bille um Cheathrú Chultúir 1916, 2021: First Stage . . . . .	196
Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 [Seanad]: Order for Report Stage. . . . .	197
Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 [Seanad]: Report and Final Stages . . . . .	198
Criminal Procedure Bill 2021: Order for Report Stage . . . . .	199
Criminal Procedure Bill 2021: Report and Final Stages . . . . .	199
Gnó na Dála - Business of Dáil . . . . .	216
Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2020: From the Seanad. . . . .	216
Housing Shared Equity Loan Scheme: Motion (Resumed) [Private Members] . . . . .	217
Land Development Agency Bill 2021: Second Stage (Resumed) . . . . .	227
Land Development Agency Bill 2021: Referral to Select Committee . . . . .	229
Children (Amendment) Bill 2020 [Seanad]: Second Stage. . . . .	230
Young People and Access to Further and Higher Education: Motion [Private Members]. . . . .	248
Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters . . . . .	279
Saincheisteanna Tráthúla - Topical Issue Debate . . . . .	280
Medical Cards . . . . .	280
Drug Dealing . . . . .	282
School Enrolments . . . . .	286
Grass Burning . . . . .	289

# DÁIL ÉIREANN

*Déardaoin, 11 Márta 2021*

*Thursday, 11 March 2021*

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

*Paidir.  
Prayer.*

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## **Covid-19 Vaccination Programme: Statements**

**Minister for Health (Deputy Stephen Donnelly):** I am sharing time with the Minister of State, Deputy Butler.

I believe we would all agree that Ireland's Covid-19 vaccination programme is the most ambitious public health initiative ever undertaken by the State. Following the considerable sacrifices made by everyone in taking action to minimise the risk of spreading the disease, the availability of safe and effective vaccines provides a beacon of hope for a return to some normality. The vaccines protect the lives of those most vulnerable to Covid and will allow us to enjoy again and see the value of things we once took for granted.

By the end of last week, over 500,000 doses of vaccines had been administered. This is a significant milestone and a reflection of the hard work undertaken by the thousands of women and men across Ireland who are working very hard to implement the programme.

The focus to date has necessarily been on older people and healthcare workers. There are strong indicators that the vaccination of this cohort is having very positive benefits. Covid infection rates for hospital workers have fallen by approximately 95%. The number of staff in the nursing home sector absent for reasons related to Covid has fallen from several thousand to several hundred and continues to fall. The latest serial testing results from the nursing home sector showed a positivity rate of just 0.2%, which we can all welcome. Thanks to this, the National Public Health Emergency Team, NPHET, is today giving consideration to protocols on visitation. I know this is tremendously important to residents, families and staff. The Minister of State, Deputy Butler, and I have been working closely together on this issue and we are looking forward to discussing the situation with the acting chief medical officer later today.

The next phase of the programme, which started this week, sees vaccines being made available to those with underlying medical conditions which place them at very high risk from Covid. In addition, the programme this week is focused on second doses in nursing homes; a small final group of those aged 85 and older, including those who are housebound; healthcare work-

ers, for whom the administration of the first dose will be finished next week; and some initial roll-out to those aged 80 to 84. There is, therefore, a lot of activity ongoing around the country.

There is, understandably, a lot of focus on vaccine supply. Ambitious targets and optimism with regard to the pace of regulatory approval of candidate vaccines have come up against the realities of vaccine production and supply. This can make us lose sight of the merits of Ireland's engagement with the EU's procurement process. Ireland has opted into advance purchase agreements negotiated by the European Commission on behalf of member states. Through this mechanism, we have advance purchase agreements in place for seven different vaccines. These include the three vaccines currently being administered in Ireland, a fourth, the Janssen vaccine, which we hope will be authorised by the European Medicines Agency, EMA, later today, and three others which are currently being reviewed by the EMA. We have pre-ordered a little under 18.5 million doses of vaccine. This is enough to vaccinate every man, woman and child in the country twice. We are looking at options to increase this amount via the EU. Just yesterday, an additional delivery of the Pfizer vaccine was secured by the commission, with Ireland due to receive an additional 46,500 vaccine doses this month. This is obviously very welcome.

The terms and conditions of these agreements include a requirement that vaccine doses will not be made available for use until the relevant vaccines have received regulatory authorisation. It has always been an underlying principle of the EU's procurement process that, prior to administration of any given vaccine, assurances should be obtained as to its safety and effectiveness.

Some have argued that Ireland should be seeking additional vaccine supplies outside of the EU process, which is a very reasonable argument to make. I assure Deputies that Ireland is in regular contact with pharmaceutical companies, the commission and other countries. It will come as no surprise to my colleagues that other countries are not interested in giving up their own vaccine supplies while they are vaccinating their own people, particularly their most vulnerable. Ireland is in the same position. It will also come as no surprise that the pharmaceutical companies themselves do not have as yet undeclared supplies not being procured by the EU or other regions or countries around the world.

The third argument put forward by some is that we should use vaccines that have not been authorised by our own regulator. The Russian vaccine, Sputnik V, has been mentioned in the House on several occasions. The EMA is conducting a review of the Sputnik V vaccine but it is interesting to note the comments of *The Irish Times* Europe correspondent, Naomi O'Leary, who said yesterday that "The Italian factory announced as the production site for Russia's Sputnik vaccine for overseas orders is a small business that has never made vaccines and is not authorised by the Italian Medicines Agency."

On the reliability of supply, Moderna and Pfizer have performed well thus far. AstraZeneca has not. It is repeatedly changing its delivery schedules, often at the last minute, and revising down the volumes it will deliver. This is happening right across Europe. It is deeply frustrating for everybody, with so many people looking to get vaccinated as quickly as possible. We are acutely aware of the anxiety caused when these delivery schedules are not met. It should be noted that the Commission and member states, including Ireland, are proactively engaging with the vaccine manufacturers to impress upon them our legitimate expectations that agreed allocations will be met and the need for them to increase supply accordingly.

Some have characterised these shortfalls by AstraZeneca as the HSE missing its targets.

This is incorrect; AstraZeneca is missing its targets. The HSE's target is to get people vaccinated as vaccines arrive, a target which it is consistently hitting. Some 95% of vaccines are being administered within seven days of arriving in the country. The HSE set out to vaccinate those aged 85 and older over a three-week period. The roll-out was not flawless and there were GPs who did not get supplies on the days they were originally told they would. However, the vast majority did and approximately 99% of those in this cohort were indeed vaccinated during the allocated three-week period. As I said, the roll-out was not perfect, and it is important we learn from this.

I would like to share with Deputies the additional measures that have now been put in place by the HSE to support GPs. A call centre has been established. Dedicated relationship managers have been put in place. A regular GP bulletin outlining available vaccines is being produced. Updates have been made to the order management systems. Distribution process improvements have been made and the distribution ramp-up model has been updated based on learnings over that initial three-week period.

As of 7 March, 165,000 doses, of which over 65,000 were second doses, have been administered to residents and staff in long-term residential care facilities. A total of 262,000 doses, of which over 84,000 were second doses, were administered to front-line healthcare workers. The estimated number of people over 70 to be vaccinated is approximately 480,000. It is expected, subject to availability of vaccine supply as always, that everyone in this cohort will be vaccinated by mid-May.

The impact of the vaccines so far is extremely positive. The evidence from Ireland and from around the world is beyond the most optimistic expectations that were being put to me a few months ago. As more groups are vaccinated, options will become available to modify or lift the existing restrictions, which are having such an impact on people across the country. While there has been, and will continue to be, uncertainty and fluctuations in delivery schedules, we have purchased more than enough vaccines to vaccinate our entire population. Supply will ramp up, we will vaccinate those who are most vulnerable and then move on to the wider population. We will, in time, see a return to a more normal way of life.

**Minister of State at the Department of Health (Deputy Mary Butler):** Ireland's vaccination programme is designed to protect the most vulnerable in society, beginning with older residents of long-term care facilities and front-line workers, before rolling out to the wider community. We are continuing to prioritise those who are most vulnerable to Covid-19 infection, and front-line healthcare workers who care for them come first in the priority list for vaccination.

Some long-term residential care facilities have experienced significant outbreaks over the course of the pandemic, leading to loss of life. As a result, residents over the age of 65 were given the highest priority in the vaccine allocation strategy. The overwhelming majority of first doses in long-term care facilities are expected to have been completed by the end of this week. Roll-out of the second vaccine dose to the majority of residents and staff in nursing homes is progressing. These are the residents of nursing homes who were unable to receive the vaccine initially due to the fact that there were major outbreaks of Covid in their nursing homes or due to the fact that they were recovering from Covid.

On 15 February, we began the process of vaccinating the approximately 482,000 people over the age of 70 in Ireland, beginning with those aged 85 and older. I am pleased to inform the Dáil that we have been able to vaccinate the overwhelming majority of those aged 85 and older

by the end of last week. I wish to reiterate my thanks to the GPs, their staff and representative bodies for their ongoing efforts, which have facilitated the expansion of our programme into the community.

There is a direct correlation between a person's age and his or her risk of developing severe disease and potential death due to Covid. Some 88% of all deaths over the course of the pandemic have occurred in those aged 70 and older. The vast majority of GPs have been vaccinating their patients in the over-85 age group without any issue. The national vaccination programme is not adopting a one-size-fits-all approach. I wish to reiterate that no one will be left behind and that solutions will be found for all who wish to receive a vaccination. A variety of solutions are being put in place to vaccinate those aged 85 and older who have not already received their first dose. This week will see the programme begin the process of delivering vaccines to those who are housebound. Vaccination will also be provided to people who are currently hospitalised on an ongoing basis. Some 65 smaller GP practices, with a combined total of approximately 800 patients, will receive delivery of the vaccine this week. The vaccination programme continues to progress and those aged between 80 and 84 have now begun to receive vaccinations.

The majority of residents of long-term residential mental healthcare units over the age of 65 have now received a vaccination. Most of the eligible staff at these facilities have also received at least one dose. The process of administering second doses to service users and staff has already begun. The remaining sites will be covered as the roll-out progresses. I am pleased to inform the Dáil that Covid cases in residential mental healthcare settings are continuing to fall, with 30 cases reported this week. The majority of cases that are being reported in these settings relate to staff rather than residents. The pandemic has been a profoundly difficult period for so many in society. The continued operation of mental health services has been of paramount importance during this immensely unsettling time.

This will be the largest vaccination programme in the history of the State. Huge progress has been made in a relatively short period of time. The immediate priority of the programme is to protect the most vulnerable among us and our front-line healthcare workers, who have been front and centre in the fight against Covid. Truly remarkable progress has already been made with regards to protecting our older citizens. The vaccination programme is less than three months in operation and we are vaccinating people as quickly as possible. Vaccine supply remains the only limiting factor. I wish to thank all of those involved for their hard work which has brought us to this point, and which will, in time, result in the reopening of our country and the full resumption of our lives.

**Deputy David Cullinane:** There is a real frustration out there with the roll-out of the vaccine. The Minister has accepted and acknowledged some of that frustration. That frustration is understandable. Nobody in this Chamber can say that the roll-out so far has been as efficient as we would have wanted it to be. It is falling short of people's reasonable expectations.

We have had real problems on the supply side and the head of the HSE said that it is the responsibility of the Department of Health and the Minister for Health to sort out problems on the supply side and to bolster supply. Time and again we have been left short by AstraZeneca and it simply is not good enough. We are not being given reasonable answers as to why that is happening on an ongoing basis and it is completely unacceptable. We had a target set for 1.7 million doses to arrive in the first quarter of this year. That target was reduced down to 1.4 million, then 1.25 million and now it has been reduced to 1.1 million. That is hundreds of thousands

of doses of vaccines which have not arrived. If they had, people would have been vaccinated at the end of this month or at least have got their first shot but now they will not. Problems on the supply side have consequences for the roll-out of the vaccine and for citizens of this State.

We also have problems on the administration side, which is the direct responsibility of the HSE and which falls under the Minister's purview. We saw problems last week where some GPs did not get their vaccines on time and some did not get them at all. We have also had cases where some GPs have not got equipment and one surgery got a box of leaflets rather than a box of vaccines. We have had multiple examples in recent days of surgeries being left short in their supply, ranging from 15% to 50% of a shortfall, and having to call elderly patients and tell them that their vaccine is not there and they cannot be vaccinated. It is heartbreaking for the GPs and for the people who are expecting to be vaccinated.

I appeal to the Minister to do more to fix the problems, bolster supply and learn the lessons that should have been learned when we saw the problems that have materialised in recent weeks. People expect better and they want a more efficient roll-out. They want a safe, speedy and efficient roll-out of the vaccine and they simply do not see it happening. I appeal to the Minister to fix those problems that are under his control as quickly as he can.

I want to put a number of questions to the Minister. He said in his opening statement that the missing of targets is the responsibility of AstraZeneca and that it has left us short. I ask the Minister to be as brief as he can on this and answer the question directly. How many times has AstraZeneca left us short? What is the total amount we expected from AstraZeneca and what did we get? He said that on numerous occasions, very often at the last minute, it has left us short. How many times? What reasons is it giving? We are being asked why this is happening time and again. What reasons has AstraZeneca given the Minister for the shortfall?

**Deputy Stephen Donnelly:** I thank the Deputy. I will get him a detailed note on the number of corrections or revisions from AstraZeneca. Last week over a seven-day period, it revised down its deliveries at the very last minute three times. The reasons are down to production. It is not my area of expertise but we are told that the production of these compounds is very complex and things can go wrong. However, I agree with the Deputy; what is happening with AstraZeneca is not good enough. Ultimately the people it is causing anxiety for, the only people who matter in any of this, are the public. Vulnerable people are waiting and it is not good enough.

**Deputy David Cullinane:** As the Minister for Health, has he been in direct contact with AstraZeneca? Has he spoken to the company? What response did he receive? These are agreements reached through the European Commission with this company. People want to know if the Minister is being hands-on. Has he spoken directly to the company? Has he spoken directly to the European Commission to express the frustration of people that this simply is not good enough?

**Deputy Stephen Donnelly:** I thank the Deputy. I am in regular contact with other EU ministers. There are meetings of EU ministers on a regular basis and exactly these issues are being aired by me and by others. The negotiation over supply sits with the Commission. The contracting relationship is with the Commission. On top of that I can assure the Deputy that the task force which has taken on this relationship is in very regular contact not just with AstraZeneca but also with the others.

Before the Deputy comes back, may I make one brief point?

11 March 2021

**Deputy David Cullinane:** With respect, I asked if the Minister for Health has contacted AstraZeneca directly. He has acknowledged that there is frustration. He has acknowledged the missed targets. In his view it is the responsibility of AstraZeneca. I accept that the agreement is through the European Commission, but the Minister for Health has responsibility for the supply side. I am asking him a straight question. Has he directly contacted AstraZeneca at a senior level to express the frustration of people in this State who are being left short time and again by that company?

**Deputy Stephen Donnelly:** I thank the Deputy. I have not because the contracting relationship in the first instance is with the Commission and in Ireland, the task force is taking the lead on that. AstraZeneca has appointed a more senior person in recent times as the relationship manager with Ireland.

May I just make one quick point? I know it is the Deputy's time so I will make it very quickly. Regarding the efficiency of the roll-out, in defence of the HSE it is getting 95% of the vaccines that arrive here out within seven days. By any reasonable measure, that is efficient work by it.

**Deputy David Cullinane:** I ask the Minister about family carers. He knows I feel very strongly about this. I have met hundreds of them and will meet hundreds more today because they are really concerned that they are being left behind. They are really concerned that they are not being valued and respected. They have said time and again they are not looking to take vaccines from anybody else. They are supporting and looking after very vulnerable children with complex needs in many instances. In the past the Minister has said that he has engaged with the national immunisation advisory committee, NIAC, and is awaiting a response from it. What has that response been? How close are we to getting a resolution to this issue? It needs to be done. I appeal to the Minister to sort this issue out once and for all. I ask him to explain to carers who will be listening if there has been any movement in their just demand to be treated as a distinct cohort given the work they do.

**Deputy Stephen Donnelly:** I thank the Deputy. I can confirm that considerable work is going on. It is being run from the Department of Health in connection obviously with NPHE and NIAC. It is looking broadly at the rest of the population. We all know that NIAC initially established a very detailed prioritisation. Now that we know more about the vaccines and their distribution, work is going on to establish what happens after cohort 4. I am very sympathetic to the points that have been raised by the carers. I am acutely aware of the value of what they provide. When Professor Butler, who chairs NIAC, was asked exactly this, the question she asked back was, given that we have a finite supply of vaccines for any group, be it family carers, teachers, gardaí or any other group, if a person is at lower risk of contracting the virus and we vaccinate them first, are we moving somebody who is at higher risk lower down the list? All of that needs to be considered.

I am particularly concerned about one group of carers, namely, carers for children. They are falling between two stools because-----

**Deputy David Cullinane:** I have given the Minister a good run to respond.

**Deputy Stephen Donnelly:** -----neither they nor the people they are caring for are currently being prioritised.

**Deputy David Cullinane:** In fairness, we have a very short time, as the Minister knows.

Are family carers being considered for cohort 6? I ask the Minister to give a “Yes” or “No” answer to that.

**Deputy Stephen Donnelly:** It is not really a “Yes” or “No” because right now, what we have are cohorts 1 to 4.

**Deputy David Cullinane:** A colleague of the Minister’s, a Fianna Fáil Deputy, responded to a family carer saying that she had a meeting with him and he had informed her, subject to a recommendation coming from the NIAC, that family carers would be in category 6 and that carers should not be as concerned as that particular carer was because there would be movement. Either that is right or it is wrong. We need to be honest with carers about what is being considered.

I also have a question about pharmacists. They are very frustrated about their role. They are very frustrated that they are not part of this roll-out and they are not getting answers to questions they are asking. Those on the front line in pharmacies, those who work in the shops, have not yet been vaccinated. Pharmacists have been, but those who work on the front line have not been. They have not been given any answers on their role. Is that Fianna Fáil Deputy correct that the Minister had said to her that family carers would be considered for category 6?

**Deputy Stephen Donnelly:** I thank the Deputy. There are two pieces of good news for pharmacists. One is that the pharmacists themselves are being vaccinated as front-line health-care staff. The second is that as we move past cohort 4 and start vaccinating, for example, people aged from 65 to 69, the current thinking is that pharmacists will be able to be involved there because it is a lower-complexity and lower-risk group of people.

**Deputy David Cullinane:** Regarding category 6, a Fianna Fáil Deputy-----

**Deputy Stephen Donnelly:** I saw the claim being made. It does not reflect what was said.

**Deputy David Cullinane:** That is unacceptable. I asked about-----

**An Leas-Cheann Comhairle:** I have been very lenient with the Deputy. We have gone over the time. I move on to Deputy Kelly.

**Deputy Alan Kelly:** Hopefully, the Johnson & Johnson vaccine will be approved today. Is the Minister aware of any of the other EU countries doing deals with the four companies that are producing vaccines? Are any EU countries doing deals? I am not talking about Germany and Denmark, which have bought surplus vaccines that were not being used by other countries. Is the Minister or anyone else in government aware of our colleagues in European countries doing deals with the four companies already approved or due to be approved by the end of today for producing vaccines, separate from the EU agreement?

**Deputy Stephen Donnelly:** I thank the Deputy. Various stories are circulating. One which I believe is real is that Denmark and some other country are looking at a strategic partnership with Israel. However, when we look into them, what we find is that these relate to quarter 4 of this year or possibly into next year. What is important to us is vaccine in the short term. We are not aware of European countries working with pharmaceutical companies to secure additional vaccine beyond the EU process in the short term.

**Deputy Alan Kelly:** Following on from what the previous speaker said, I appreciate that there is a group at European level that is working on the relationship and contracts with these

companies. How many times has the Minister or anyone else in government spoken to Astra-Zeneca, Moderna, Pfizer, or Johnson & Johnson?

**Deputy Stephen Donnelly:** I will ask the task force to produce a note. The task force is our lead group on this on behalf of the Government. It is in regular contact with all of the pharma companies. I will ask that a note be sent to the Deputy on the level of contact.

**Deputy Alan Kelly:** For the record, the Government has been in touch with all four companies.

**Deputy Stephen Donnelly:** The task force, on behalf of the Government, is in regular contact with those companies.

**Deputy Alan Kelly:** Who are the members of that task force?

**Deputy Stephen Donnelly:** The task force is chaired by Professor Brian MacCraith and the full membership is available online.

**Deputy Alan Kelly:** How many times has the Government and the task force, individually, met or spoken to all four companies? This is critical information, of which, respectfully, I think the Minister should be aware.

I have two more questions, which I will ask together. Last week, I asked the Minister if he would consider doing the following for one week. This is about transparency. Transparency is the Minister's friend. Can we get, on a weekly basis, in tabular form and in respect of each of the four companies, the projected or expected contractual delivery to our country; the actual contracted delivery; the number of doses delivered; and the number administered? That would of benefit to the Minister because it would provide transparency. I do not understand why the Minister will not do this. There is a great deal of innuendo and commentary, ifs and buts and, dare I say it, at times, unfortunately, and, probably accidentally, Ministers are making statements that are not accurate. Consequently, transparency would be the Minister's friend. Why will he not do as I have asked and set out the information across three columns in respect of the four companies?

My final question is in regard to the dates, which I have asked numerous times but I have never been fully satisfied with the answer. We know that Germany and Denmark bought up excess vaccines. The Taoiseach told me yesterday that Ireland always tried to buy any vaccines available. I have asked that question of others and the response was the same. On what dates did Ireland try to buy the excess vaccines that Denmark and Germany bought that were not being used in other countries?

**Deputy Stephen Donnelly:** With regard to transparency of supply, we are largely in agreement. The Deputy suggested I provide information in relation to three areas, namely, forecast, delivery and administration. In regard to the administration, we can all accept there is daily information released in that regard. It is available on the tracker App and online. There is full transparency in terms of what is administered. In regard to delivery, I listened carefully to Deputy Kelly and others last week and I have instructed the Department to publish the deliveries on a weekly basis. That happened, first, while we were in the Chamber last week and it happened again yesterday. I have asked that it happen on a weekly basis so that, too, is happening. With regard to the forecasts, it is not as simple. We are all acutely aware of the anxiety that is being caused by these movements in supply forecasts. Deputy Cullinane referenced it earlier. These

forecasts are changing, sometimes several times a week, and this is causing huge anxiety for people throughout the country.

**An Leas-Cheann Comhairle:** We have gone way over time and must move on.

**Deputy Alan Kelly:** Will the Minister answer my other questions?

**An Leas-Cheann Comhairle:** The next slot is being shared by Deputies Haughey, Eoghan Murphy and Durkan.

**Deputy Seán Haughey:** It is fair to say that Irish people are very anxious at this time. Tolerance levels are low. Since the pandemic was declared and the first death in Ireland was declared this day last year, like many other Deputies, I have received many queries in regard to Covid-19, most of which related to financial supports for individuals and businesses but also in regard to the reopening of schools and childcare and, in particular, the leaving certificate examination. It is clear there is huge interest in the vaccines issue among the public. Clear communication on the matter is important. The tendency to catastrophise even minor problems is not helpful at this time. It is a hugely logistical operation to put in place the infrastructure to vaccinate our citizens. In addition, sometimes certainty and clarity are not possible given the unpredictability of the virus, among other things.

There is an obvious issue concerning the supply of vaccines, as we have discussed this morning. I firmly believe that Ireland was right to go the EU route even though some are now questioning this approach. It was not an option for Ireland as a small country to go it alone in a dog-eat-dog global vaccine market, where we would end up accepting lower standards, paying more and with delivery being even more unreliable. That said, many want to know the position on doing bilateral deals. Is this an option? How credible are assertions that one or two EU states are doing better by going outside of the EU? Can Ireland do separate deals with Russia, the UK, China or the US or go directly to the pharmaceutical companies to get additional supplies? I have my doubts on that.

I want to ask about the vaccine bonus. What has been happening in regard to nursing homes is cruel, where residents have not received face-to-face visitors for many months. I hope that NPHET will make a positive decision in that regard. A comment from the Minister in that regard would be useful. On logistical problems, there have been issues in my constituency in terms of vaccines not arriving on time and appointments for elderly people being cancelled. I appreciate that a decision has been made that the National Ambulance Service will deliver the vaccine to those confined to the home. Is Dublin Fire Brigade involved in the administration of vaccines in the Dublin area?

On cohort 4, vulnerable people, will they be contacted by their GP or will the vaccine be administered to them in a hospital setting?

**An Leas-Cheann Comhairle:** I remind Deputies there is a three-minute time limit.

**Deputy Eoghan Murphy:** With the permission of the Leas-Cheann Comhairle, I will use my three minutes for a questions-and-answers session with the Minister, as was the practice last week.

I know the Minister is frustrated about the delay in the vaccine roll-out and he is being unfairly criticised for some of that delay. I know, too, that he and other colleagues in the Gov-

ernment have been engaging with companies and other countries about other avenues to secure additional vaccine supply and that this has been happening since last week. That proactivity is welcome. It is prudent though to hedge against further delays. The Russian vaccine, Sputnik V, if submitted for approval is likely to be approved by the European Medicines Agency, EMA. The Germany authorities have spoken tacitly in favour of it, studies in medical journals show it is very effective and some EU countries are already using it. In advance of a potential or likely approval by the EMA of Sputnik V, are we doing anything ourselves or with the EU in terms of putting in place advanced manufacturing agreements or advanced procurement agreements, as we did with regard to other vaccines? If not, is this something the Minister would suggest be done?

I would like to bring to the attention of the Minister that Senator Buttimer and I have proposed that the European Ombudsman appear before the new ombudsman and petitions committee to answer in regard to her work and investigation into how the EU has handled the Covid pandemic and vaccine roll-out to date.

**Deputy Stephen Donnelly:** How much time do I have?

**An Leas-Cheann Comhairle:** The Minister has one minute.

**Deputy Stephen Donnelly:** I thank Deputy Eoghan Murphy for his questions. As he will be aware, the European Medicines Agency is looking at Sputnik V and is conducting a rolling review. What is normal practice then is that the advance purchase agreements, APAs, can be put in place. For example, we have seven APAs in place, three for authorised vaccines, one for a vaccine we hope will be authorised today and three for vaccines that have not yet been authorised. The same process can be put in place for Sputnik V. I would draw the Deputy's attention to the comment from the European correspondent of *The Irish Times* yesterday, in which she noted that the Italian factory announced for the production site for Russia's Sputnik V vaccine for overseas orders is a small business that has never made vaccines and is not authorised by the Italian Medicines Agency. We need to be convinced, via the European Medicines Agency and our own regulatory authorities, that if we do enter into these APAs, all vaccines meet the same very high safety and efficacy standards.

**Deputy Eoghan Murphy:** Would the Minister propose that we do that work? Obviously, we would not use a vaccine unless it had been approved by the EMA. I agree with the Minister's point in that regard, which he made well last week, but we might make that proposal.

**An Leas-Cheann Comhairle:** The Minister may have time to respond to that point later.

**Deputy Richard Bruton:** I commend the Irish people on the progress that has been made in this crisis. The number of cases since the peak is down 90%. The hospitalisation numbers are down more than 75% and ICU admissions are down more than 50%. That is the result of people up and down the country observing the obligations that arise during this crisis. Despite the frustration with the stop-go progress on vaccines, as of five days ago, 523,000 vaccines has been given. That number is probably at 600,000 now. This is an increase of 20% in a week in the number of people who have been vaccinated. By the middle of next week, all of the over-80s will be vaccinated. That will take out 63% of the risk of fatalities from the virus. It is a very significant group to have been vaccinated. As we move to the group with high-risk conditions, we will take even more of the risk out, particularly the risk of people being admitted to ICU.

I have two questions for the Minister. First, should we not now be considering extending the gap between doses of the vaccine? We could increase the number reached by 40% if we

had a longer delay between doses. From what we hear, 80% of the impact is delivered through the first jab, with the second jab adding only another 10% to 15% in terms of effectiveness. We would be better moving more quickly down through the priority groups in terms of impact on the risk of the virus.

Second, I would like to ask the Minister how this dramatic de-risking of the virus will change the trigger points that will be determined for decisions on reopening the economy. Clearly, the risk associated with, say, 300 cases per day is very different if 80% of the risk has been removed. I can understand concerns about anticipatory behaviour, but we need to level with people if we are to sustain their support.

**Deputy Stephen Donnelly:** I thank the Deputy for his acknowledgment of the huge work that is being done, not by any of us here but by the Irish people in sticking with a very hard regimen of measures. It is working. Even with this awful B117 variant and its significant contagion, we are still, week by week, steadily reducing the number of cases. I believe we are now about the fourth lowest in Europe. We just need to keep going.

The Deputy's point on the interval between doses is an excellent question and one that NIAC has been looking at and will continue to look at. Some concerns have been raised in terms of a fall-off in effectiveness or levels of protection if the interval is too long. That is something NIAC is paying attention to and if it makes any recommendations to us, whether on the mRNA vaccines or in regard to AstraZeneca, that is something we certainly will look at.

**Deputy Richard Bruton:** Will the Minister provide a written answer to my second question?

**An Leas-Cheann Comhairle:** I am afraid the time is up. There might be a spare minute later to allow the Minister to come back on Deputy Bruton's question.

**Deputy Thomas Gould:** It is reported that 10,000 people have been trained to administer vaccines, yet the Government's target, at peak, is to vaccinate 250,000 people per week. This means that in an average working week for those 10,000 trained vaccinators, each of them will vaccinate only five people per day, according to those figures. Why is the target so low? There are 800 vaccination booths across 37 vaccination clinics and each of those booths has a capacity to vaccinate 100 people per day, on the basis of a 12-hour day, five days a week. That gives capacity of 400,000, not including GPs, pharmacists and other people who might administer vaccines. Why then is the Government's projected figure for maximum vaccinations per week set at 250,000? The figures do not add up and I cannot make sense of why the Government is taking this approach.

I represent Cork North-Central. There are three vaccination centres in Cork city, two on the south side and one in the city centre, but none on the north side. From the north side to Glanmire to Togher to Blarney, there is nothing. This will result in some people having to travel up to an hour to get vaccinated. If there are so many people trained in giving vaccines, why did the Minister not look at having mobile vaccination booths that would be accessible to people at churches, community centres and GAA clubs? How were the vaccination plans developed? If the EU vaccines deal meant that the most we could expect to vaccinate in a week is 250,000 people and the Government knew our capacity was closer to 400,000, if not 500,000, per week, why did it not look at sourcing more vaccines? If we have the capacity, why are we not using it?

People are fed up. They have put their faith in the vaccinations and they see them as the

light at the end of the tunnel. They are now angry because they see delays and crises. People want to return to their normal lives. At this moment in time, is the Government being truthful with them about when that will happen? I hope the Minister can give me answers in the time remaining.

**Deputy Stephen Donnelly:** I thank the Deputy. I believe the number of trained vaccinators is at approximately 9,700 right now. The question is which comes first. Do we train up our vaccinators and then ask for as much vaccine as can be produced? That would be a fantastic position to be in and we would train a lot more vaccinators in that scenario. However, what comes first is the supply of vaccine. As we are all aware, the limiting factor is the supply. Based on the forecast we have for what the pharmaceutical companies have agreed to deliver here, we have trained up a workforce and we are continuing to expand that workforce to be able to do significantly in excess of what we are expecting.

**Deputy Thomas Gould:** The Government plan said there would be 1 million vaccines given per month over three months, which is 250,000 per week. Why do we have capacity for 500,000 when the very best-case scenario, which we will not even reach, is that 250,000 does can be given? It just does not add up.

**An Leas-Cheann Comhairle:** There is no time remaining for the Minister to respond. As a general point, if Deputies want the Minister to reply, I ask that they leave time for him to do so. Otherwise, their contributions are statements.

**Deputy Róisín Shortall:** Sometimes I question the value of these sessions because we do not get any new information. We frequently ask for information and the Minister promises to send us notes, but the notes do not arrive. For example, last week, I asked about the Moderna vaccine and the fact that, at that point, less than a quarter of Moderna deliveries to this country had been administered. I never got an answer on that. I appeal to the Minister to be much more forthcoming in giving information and data generally. All of this should be open-source information. There is no reason that the Minister should be hiding any of it. It is in everybody's interest that he is absolutely clear about the numbers that have been delivered here and the numbers that have been administered. It is only through that kind of levelling with people that they will have confidence in the programme.

It took the Minister a very long time to commit to publishing the daily figures for vaccines administered. It took a long time to get him to tell us how many are arriving here on a weekly basis. That information is coming now by way of press statement but it needs to go up on the data hub. I ask the Minister just to be clear and open about this. There has been a mishandling of the information coming out in regard to the different cohorts. Three weeks ago, the Minister announced that over-70s would be vaccinated. Three weeks later, the administration of vaccines to the over-85s is only just finishing. There is a whole cohort of people who expected to have got their vaccination by now. By not providing clear information and schedules, the Minister is raising people's expectations.

I want him to try to be clearer about the scheduling of vaccines for the two cohorts in respect of which he has given a commitment, namely, cohorts 3 and 4. Cohort 3 is people aged between 70 and 85 and there are 407,500 of them. Can the Minister set out a schedule for when the different subgroups within that age cohort will be vaccinated, showing, as of now, what the expectation is in this regard? The other very important cohort is cohort 4, which comprises the 160,000 people with underlying conditions that carry a very high risk in regard to Covid

infection. We were told that 10,000 of them will be vaccinated in the first week. When are the other 150,000 going to be done? Again, we need a schedule for that. The over-70s and those with serious conditions are waiting very anxiously to find out when they will be vaccinated. The generic messaging from the Minister is only raising people's expectations. He needs to be clearer on when people are likely to be vaccinated.

I wish to ask the Minister about what we have seen between the first and second doses in the past ten days. The ratio is 9:1 and that is a change. Is that a change in policy or is it a result of timing?

The Minister promised mass vaccination in the second quarter. That means increasing from the current average of 12,000 a day, although it has to be said that for the last day reported, which was 7 March, the figure was only 2,699, which is abysmally low. The average is 12,000 a day now. The programme will have to ramp up to between 35,000 and 40,000 per day. We have not yet seen the plan for that for the second quarter. Will the Minister commit to publishing that plan?

**Deputy Stephen Donnelly:** My thanks to Deputy Shortall. There are more questions there than I will be able to answer in 50 seconds, so let me try to move quickly. The Deputy should have received an answer on Moderna. I have intervened previously to ensure she got answers and I will chase that up. That should not happen. If I give a commitment to any Deputy that he or she will get an answer from me, that should happen.

Deputy Shortall's critique on data is unfair, to be honest. There are daily figures up on the app. Only last week, the Deputy and others asked for the supply data. We put the data up the same day and put them up again yesterday. The Deputy is saying it took too long but we will simply have to agree to disagree on that.

The Deputy asked about the first dose versus the second dose and the ratio changing. I presume that is because of adding AstraZeneca, and the longer time between the mRNA vaccines and AstraZeneca will change that because of the longer period. In fairness, the Deputy asked last week for a plan on how we will scale up in the second quarter. The Deputy should have received the answer and I will chase that up as well.

**Deputy Brendan Smith:** As we are one year into the pandemic, I take the opportunity to compliment all our front-line workers and all workers providing different services for us through challenging times. I highlight again the particular role of our healthcare workers. They have spent a difficult year dealing with a deadly virus. We all know they have been working in highly challenging circumstances, oftentimes with a reduced staff complement because of colleagues being out sick, etc. They continue to do a marvellous job in what are still difficult circumstances.

The Government and the National Public Health Emergency Team made the right decision to prioritise front-line healthcare workers for vaccination in the first cohort along with long-term residents of nursing homes. That was the right decision. The over-85s were prioritised after that. Unfortunately, some practices have not yet received their vaccines for those aged over 85. I appeal to the Minister to insist to the HSE that these practices get the vaccines this week. I believe it is only a small number. I have heard from constituents who are concerned that they have not yet been called for the vaccine because the GP practice has not yet received it.

I represent Cavan and Monaghan. Many of our neighbours in Fermanagh, Armagh and Ty-

11 March 2021

rone have, thankfully, got the vaccine. We know those responsible are providing the vaccine in Northern Ireland to a far younger age cohort while we have older people who have not yet got their vaccines. Their neighbours, cousins and relations are getting vaccines north of the Border, and the best of luck to them. I appeal to the Minister to ensure that, where this exists, the particular difficulties are ironed out. We can all make cases for different categories of people, including people with underlying health conditions and those working in different areas.

I am amazed that members of An Garda Síochána have not been given a higher prioritisation in the roll-out of the vaccination programme. Along with other front-line workers, members of the force have done exceptionally good work over the past 12 months in dealing with this pandemic. I appeal to the Minister and whomever makes the recommendation to review the placing of An Garda Síochána in the particular category.

Until now, there has been a problem internally in the HSE communicating with GPs. I know from speaking with GPs that there was utter frustration at times with making calls and calls not being returned. Those who called never got to speak to the same person a second time. When there is a dedicated helpline, there should be identified officials to deal with particular counties. If a general practitioner from Cavan rings, that GP should be able to talk to a small team of people rather than someone with whom he or she has not spoken previously or someone who claims to have no knowledge of the particular queries. GPs and other clinicians in practices have too much to do. They are under too much pressure to be wasting time making needless telephone calls because previous calls have not been returned. This should not arise in the first place. They should not have to speak to different people to outline the same query on numerous occasions. This has to be streamlined. Unfortunately, there is a tendency nowadays not to return calls. This applies in some parts of the public service and the private sector as well. People bang off an email that says nothing. There is nothing like picking up the telephone and talking to the clinician who has concerns.

This morning, I spoke to a GP in a small practice who was starting to make calls to some patients to whom he had arranged to administer vaccines tomorrow. Unfortunately, he does not have enough vaccine to administer to all of them. That is a source of great disappointment for those people. I appeal to the Minister to ensure that such administrative difficulties are resolved.

**Deputy Jackie Cahill:** I fully acknowledge that the only way we are truly going to beat Covid-19 as a society and country is through the effective roll-out of the vaccine. Thankfully, we are already starting to see that the vaccine is highly effective in preventing the spread of this deadly disease among those already inoculated. As those most at risk of contracting Covid-19 and falling seriously ill from it are vaccinated, the risk and threat of the disease naturally starts to reduce. However, it is vital that complacency does not set in before the vaccine has been fully rolled out. For this reason, we must look at all options open to us to ensure that when the time comes we have the safest possible reopening of our country, society and economy. We must put checks in place to ensure that happens. It is only by doing this as safely and effectively as possible that we can save lives and, most important, prevent another wave and further economic restrictions that close businesses and cause job losses.

One option available to us is the widespread introduction of rapid antigen testing in areas of large population and in schools and workplaces. I know some firms are already doing this and have prevented the spread of clusters in their workplaces. The test takes between 15 and 30 minutes to produce a result, which is indicated on the testing strip. It tells people whether they are positive. The test is not 100% accurate and only delivers a positive result when a person is

most infectious, which is for up to eight days in the infection cycle. It might produce some false negatives. However, it still finds positive results. Where the individual is asymptomatic, this is an obvious step that can help to identify more cases of Covid-19 in the community and prevent its spread. It is essential to use all methods at our disposal for a safe reopening.

Only by preventing the spread of Covid-19 in the community can we avoid another wave occurring. I suggest that leaving certificate students and teachers attending school daily be tested with antigen tests regularly. Nursing homes and day care centres could test too. I have made the point to the Minister of State at the Department of Health, Deputy Butler, that nursing home residents and users of day care centres have now received vaccination in the vast majority of cases. We could use antigen testing to help to restore normality or near normality to their lives. These people have had a torrid year. People using day care centres have been unable to avail of those services. Antigen testing is a weapon in our armoury that we can use for a safe reopening and to try to bring some normality back to people's lives.

I raised with the Minister of State, Deputy Butler, the issue of people who are housebound. In my constituency of Tipperary, I know of cases where people who are housebound have not yet received the vaccine.

*11 o'clock*

Obviously, they have serious health conditions. The Minister of State is working on this matter, but these people should be prioritised so that they are vaccinated as quickly as possible.

I support Deputy Brendan Smith's comments about An Garda Síochána. Gardaí are disappointed by their place on the list for the vaccine roll-out. They are an essential cog in our battle against the virus. We saw the work they did during the protests of recent weeks. Will the Minister see whether gardaí can get a higher priority?

**Deputy Johnny Guirke:** If the Minister does not mind, I will go off track for a second to discuss diabetes services at Mullingar regional hospital. He has been in touch about this matter. In recent days, Professor Michael O'Grady confirmed to parents that the hospital's plans to recruit a temporary nurse had failed to materialise and that, even if a temporary nurse was available, the only way the service could resume would be with appropriate permanent resources. The service cannot resume based on promises. All March appointments were cancelled in mid-February and cancellations for April appointments will issue next week. Will the Minister of State liaise with Professor O'Grady, who goes above and beyond for the 130 children and adolescents affected, and intervene to sort out this issue?

I compliment and thank all front-line workers. The day before yesterday, I received a letter from a GP in my area who wrote seeking my support in respect of a matter of great urgency. The GP in question has worked in County Meath for the past eight years and this was to be a momentous week for that individual's practice and patients in that, after weeks of planning, the practice was due to receive delivery of its first batch of Covid-19 vaccines for administration the following day to patients aged 85 years and over. Unfortunately, the practice did not receive its batch despite confirmation over the phone the day before and a practice at the opposite end of the car park receiving its batch. The GP is extremely disappointed, to say the least. The previous few days had been spent contacting patients and arranging appointments only to have to cancel everything that afternoon. The cohort of patients in question are the GP's most elderly and vulnerable. In the main, they have not left their homes for the past 12 months and

11 March 2021

were mostly reliant on family members to transport them to the clinic the next day, many of whom had made special arrangements to facilitate that. As is always the way with this group of patients, they were understanding and supportive and did not complain when they received news that afternoon of the cancellations. The GP says that this situation is not good enough, though. The GP would be the first to say that, in the past 12 months, the HSE had been largely supportive of general practice and worked excellently with the practice in question to try to get through the pandemic. Unfortunately, the lack of communication in recent weeks regarding the vaccination roll-out has disappointed the GP, culminating in significant frustration the morning the letter was written.

Will the Minister of State let me know what is happening with the paediatric clinic in Mullingar? I thank her for her engagement in the matter.

**Deputy Mary Butler:** I thank the Deputy for his questions. I will try to respond to his question about the paediatric diabetes clinic in Mullingar regional hospital, a matter on which I recently answered a question from another Deputy from the area. Indeed, quite a few Deputies from the area have raised it with me. I acknowledge the work that Professor O'Grady has been doing. The post has been filled, but it will not be taken up for another few months. The Minister and I will work with the HSE to see whether we can expedite that.

Deputy Brendan Smith mentioned that some elderly people had not received vaccines. Three weeks ago, we started the roll-out to the over-70s, but there does not need to be any ambiguity about this. We have always stated clearly that the roll-out to the over-70s would commence with the over-85s. Some 99% of those have been vaccinated to date. There have been a couple of issues, but I am led to believe that the majority of those will be sorted by this week.

Vaccinations for those who are housebound are commencing today. The National Ambulance Service will be travelling the length and breadth of the country to look after them. There is a small cohort of people who cannot leave their homes in order to get vaccinated. Those vaccinations will start today in the greater Dublin area.

**Deputy Gino Kenny:** I am sharing time with Deputy Barry. I will take three minutes and he will take two.

Today marks one year since the WHO declared the coronavirus a global pandemic. Since then, 6,500 people on this island and 2.5 million across the world have lost their lives. The pandemic has caused devastation for many people on the planet, as well as economic turmoil. We have seen the best of humanity and solidarity. We have witnessed the wonders of science and research and development and a vaccine that will protect the whole of humanity.

The global crisis warrants a global response. A very important vote will take place today at the WTO requesting that intellectual property rights be waived to give poorer countries across the world access to vaccines. In light of the vast amounts of money - up to €8 billion - that have been given to pharmaceutical companies, they should show altruism. According to an Ox-fam survey published yesterday, 62% of people in Ireland want the Government to ensure that pharmaceutical companies share Covid vaccine science and technology with other approved companies globally. Has the Government used its influence with the European Commission as regards today's vote on intellectual property rights? Has it requested pharmaceutical companies in Ireland, which have significant capacities, to increase production of the vaccine not only in Ireland, but across the world? No one is safe until everyone is safe. That is an important

point to remember on the day that is in it.

**Deputy Stephen Donnelly:** I acknowledge the Deputy's ongoing advocacy on this issue. I share his desired end goal, that being, a global and just vaccination programme. It cannot be a vaccine for the West or wealthier countries. As the Deputy rightly stated, it has to be a vaccine for all of humanity. The only question is how to do that. As variants emerge or new diseases arrive and vaccines must be adjusted or created anew, how do we achieve a model that responds not just to the current strains of the coronavirus, but to future strains and diseases?

As I told the Deputy previously, I have a slight concern. Oxfam is looking for what the Deputy has advocated, but I am concerned that, were we to do this once, we could unintentionally undermine the companies' ability or willingness to do what we need them to do in future. However, I assure the Deputy that I share his goal for a global and just vaccination programme.

**Deputy Mick Barry:** My first question is for the Minister of State. She just stated that 99% of over-85s had been vaccinated. Will she clarify? Is she using that figure as a general way of saying that most have been vaccinated or is she saying that it is actually 99%?

My next questions are for the Minister. Pfizer and Merck were contacted by the Government about producing vaccines in Ireland. The State offered to assist with the cost of reconfiguring plants in Cork and Carlow, but the companies said "No". Some questions arise. Did the Taoiseach intervene with the companies? Was the exchange by phone, email or both? Was the recent exchange the first such exchange or did the Government show foresight and arrange this conversation for last year? Apart from the carrot that we have been told about, was any stick used? There are a large number of drug companies in Ireland with significant premises and there is no shortage of labour that could be trained. I am for nationalisation and switching to production for society rather than for profit, but one does not need to be a socialist to use some stick on this issue. In the US, the Biden Administration has used the wartime Defense Production Act to compel companies to prioritise manufacturing for national security purposes. Was it just a carrot used in the Irish exchange or was there any stick?

**Deputy Stephen Donnelly:** The figure of 99% is arrived at as follows. The estimate is that there are in excess of 72,000 people over the age of 85 years. They were being vaccinated in several different ways. One was through nursing homes and other long-term residential care facilities, an area that has largely been covered. The second way was through the roll-out in the community. A small number of those aged 85 or older had not been vaccinated as of last Sunday, which was the end of the three-week period. The information the Minister of State and I have is that number is a few hundred. Based on that calculation, the HSE vaccinated in excess of 99% in the three-week period.

**Deputy Colm Burke:** I welcome the announcement this morning by the HSE that it has acquired a hotel in Blarney to convert into a 60-bed community nursing home. This is a very welcome decision and I very much support it.

On the issue of the Johnson & Johnson vaccine, I refer to the commitment given at the health committee several weeks ago that more than 400,000 doses of the vaccine would be made available by mid-April. Can the Minister clarify in writing how many doses of the Johnson & Johnson vaccine will be made available in the next three months? When are they likely to be delivered once the vaccine is approved today by the EMA?

Many medical procedures in hospitals have been cancelled in recent months. What percent-

11 March 2021

age of procedures have been resumed? Are we at 60%, 70% or 80%? What are the targets over the next three months? This is very important information for people who are awaiting medical procedures.

**Deputy Stephen Donnelly:** I thank the Deputy for his questions. With regard to the Johnson & Johnson vaccine for which authorisation is being sought today, I can confirm that we have advance purchased 2.19 million doses. Its great advantage is that it is a single-dose vaccine and so that amount on its own would vaccinate almost half the population. There is very strong procurement in place. However, the Deputy asked the second relevant question, that is, when the vaccine will be delivered. On the basis of how unreliable one of the pharmaceutical companies has been, I want to wait and see in that regard. Obviously, we have month-by-month agreements in place. I think we need to make sure these agreements come in on target before we get into too much detail.

**Deputy Pádraig O'Sullivan:** Deputy MacSharry will not be here to take his time, so he asked my colleagues and I to share it among us. I have four brief questions for the Minister and the Minister of State.

On the issue of those in at-risk groups who it is hoped will be vaccinated in the coming weeks and months, if there a requirement for them to be vaccinated at home or in a safe environment, will provision made in that regard rather than these people having to travel to a vaccination centre or a local GP?

Deputy Cahill raised the issue of the review being conducted by Professor Ferguson in respect of rapid antigen testing. What is the status of the report in that regard? When we are likely to see a review of the decision in respect of rapid antigen testing?

I understand the national immunisation advisory committee, NIAC, is keeping the priority list for vaccination under constant review. Has there been any movement in respect of carers in the context of the list? When are we likely to hear about any such movement?

On the issue of prison officers, other Deputies made the case for prioritisation of members of An Garda Síochána. Could prison officers, who are obviously in close proximity to people every day, also be considered for prioritisation if there is a review?

**Deputy Cormac Devlin:** I welcome the Minister and the Minister of State and thank them for their time and for taking questions this morning. The general indicators seem to be going well. The Minister and Minister of State outlined some of the indicators in terms of vaccinations. I note that the numbers in respect of one of the cohorts, that of front-line hospital staff, have gone from 16% to 4%, which is extremely welcome. Case numbers and hospitalisations are going in the right direction, which highlights that vaccination and restrictions are working.

I welcome the fact that NPHE is expected to announce its recommendations on nursing homes later today. It is commendable that 72,000 of those over 85 have already been vaccinated. I think the Minister of State highlighted a figure of 99% in that regard.

I ask the Minister of State to outline the process for those who are housebound. She may have stated that the National Ambulance Service is carrying out that work. I ask her to outline the position in that regard a little further.

I share the Minister's frustration regarding the supply of vaccines. I am sure that many of

his European counterparts share that same concern, as do members of the public. All Deputies are being contacted by people who are frustrated by the lack of supply and the figures that are presented but then have to be scaled down simply because of issues relating to manufacturing supply. I note that vaccinations of a cohort comprising those who are high risk and aged between 16 and 69 will begin this week. How many people fall into that category?

When are certain categories of workers going to know into which cohort they actually fall? As previous speakers stated, such workers include members of An Garda Síochána, special needs assistants and public-facing workers such as those who work in GP surgeries, pharmacies or shops, for example. Carers have also been mentioned. The Minister and I have spoken about this issue previously.

On the issue of mass vaccination centres, can NIAC examine the usage of sub-centres such as parish centres or community halls as has been done in Israel and the United Arab Emirates? Using such premises has been very effective in those countries and has brought the vaccination programme right into the heart of communities. GPs and pharmacists would play a key role in that regard.

Finally, I have received reports in respect of essential retailers that are bringing in non-essential items to sell in their shops. I refer to Dunnes Stores in particular and its shop in Cornelscourt in my constituency. There have been reports regarding retailers in counties Clare and Limerick. Non-essential retailers find this extremely disturbing because they just cannot compete. There does not seem to be any problem for the retailers that continue to engage in such practices. It does have an impact. If people are not all in this together, as the phrase goes, then it is not fair. I ask the Minister to please follow up on that issue.

**Deputy Mary Butler:** I thank the Deputy for his question. As I identified earlier, to date, 99% of those aged over 85 who wanted the vaccine have received it. I compliment our older generation, who have been so stoic in the past 12 months. They have done everything that has been asked of them and they have been front and centre when taking on board the vaccine.

On the issue of the small number of people who are housebound, the HSE was in contact with every GP practice and got a list. I met representatives from the HSE yesterday afternoon and was informed that the National Ambulance Service will deliver the vaccine to persons throughout the country who are housebound. That roll-out is starting today in the greater Dublin area.

**Acting Chairman (Deputy John Lahart):** I thank the Minister of State. I understand the Minister will have to absent himself briefly from the Chamber. I will give him a few minutes to respond to the questions that have been asked.

**Deputy Stephen Donnelly:** I will try to respond to the questions in 30 seconds. The fourth cohort will be done both in hospitals and GP clinics. If certain people cannot make either of those trips and are essentially housebound, arrangements will be made accordingly.

The report in respect of rapid testing is currently being finalised. NIAC prioritisation is ongoing. It is considering all of the groups that have been referenced here today, as well as many others.

The use of community halls can be considered. It was deemed not to be the way to go in the context of the initial roll-out, which involved more complex cases and more vulnerable people,

but that is a decision that we should keep under review.

I thank Deputy Devlin for raising the issue relating to non-essential retail. There must be enforcement for the very reasons he laid out.

**Deputy Dessie Ellis:** Before I put a question to the Minister, I wish to take the opportunity to recognise the great work and sacrifices made by all front-line workers. As one who has recovered from the Covid virus, I can fully appreciate how difficult it is for those who are suffering from it. I offer condolences to the families of those who have died as a consequence of this pandemic.

My concern is with the sequencing and pace of the vaccination roll-out and how those who are to be vaccinated are prioritised. One group of healthcare workers who deal with some of the most vulnerable in our community are agency workers employed as carers. The use of agency workers is problematic, in that they move between many vulnerable people and their families within the community. There is real potential for such individuals to be carriers of the virus because, as all Deputies know, one can be a carrier of the virus without knowing one has it. Has the Department of Health a comprehensive list of such agencies? Has it engaged with those agencies to put in place a vaccination schedule for their employees? Will the Minister of State clarify the timeline for when those staff members will be vaccinated? Into which cohort do those people fall?

**Acting Chairman (Deputy John Lahart):** Will the Deputy have more questions?

**Deputy Dessie Ellis:** I will.

**Deputy Mary Butler:** The Deputy asked about sequencing and prioritisation. When the national immunisation advisory committee, NIAC, initially looked at the list, the decision was taken to vaccinate the most vulnerable and those most at risk of a bad outcome from Covid, including death. I will ask the HSE to come back on the Deputy's question about agency workers and to state whether it has a comprehensive list of the sequence of vaccination for the different agencies. My understanding is that any paid healthcare worker on the ground has received the vaccine or can apply to receive it through the portal. The majority of front-line healthcare workers have received at least one vaccine to date.

**Deputy Dessie Ellis:** I specifically asked about agency workers and the Minister of State did not give me an answer. Those workers are carers and, as far as I am concerned, are at the front line.

As the vaccination programme progresses, does the Minister of State anticipate that families will be able to visit their loved ones in nursing homes, contingent on all parties concerned being vaccinated? This matter has been raised several times and I know that the National Public Health Emergency Team, NPHE, will make a decision on the issue. It is extremely important. My mother is in a nursing home and not being able to visit her has been an absolute calamity. Many people have not seen their mothers or fathers for months on end. We need clarity on that matter.

Other vaccines are available in China, Russia and Brazil. Is there an ideological problem in dealing with this issue? The European Medicines Agency, EMA, can approve vaccines in the West but when it comes to other areas of the world, it seems to be very slow in clearing vaccines for use. Will the Minister of State answer that question?

**Deputy Mary Butler:** I will answer the Deputy's question about nursing homes. The Deputy is right that the past 12 months have been very difficult for anyone with a family member in a nursing home. As we know, the pandemic has borne down hard on the nursing home sector. Christmas week was the most recent time that anybody was able to visit a loved one in a nursing home, other than on compassionate or critical grounds. The preceding opportunity to visit was a couple of months earlier. I accept and acknowledge that it has been difficult. The HSE will report to NPHEt today on a loosening of restrictions. I urge caution because, as of yesterday, we still have 104 nursing homes out of 580 with an outbreak. Admittedly, the scale of the outbreaks is smaller and many of the nursing homes are coming out of significant outbreaks that occurred over the past few months. We will have to urge caution but the Minister and I would love to see movement on this issue.

**Acting Chairman (Deputy John Lahart):** I call Deputy Canney. Is he looking for responses or just making a statement?

**Deputy Seán Canney:** I will be looking for some responses, if I can get them.

I thank the Minister and the Minister of State for being here. Good work has been done by everybody in Ireland over the past year to make sure that we try to master the virus and take back charge of our lives. Vaccination has been the one great hope and will sort out our problems. I hope we will get back to some sort of normality in the coming months. I must, however, raise some concerns about the roll-out of the vaccination programme. I have said repeatedly that the public needs to see more information about the projected supplies that will come into the country. We seem to be getting a daily report of what has been done but large cohorts of people are looking for timelines for their vaccination and whether it will happen in March, April, May, June, July, August or September. We do not have that. We have a plan but not a programme to show the supply chain for the vaccination coming into this country on a weekly basis and to indicate the quantity we will get. Front-line workers, nurses working in the Irish Blood Transfusion Service, have asked me when they will be vaccinated. People are wondering when their children, who are in their 20s and 30s and suffering from cystic fibrosis, will be vaccinated. Can the Government produce a programme, rather than a plan? The programme would show indicatively the supply and how it will be sent out.

In my home town of Tuam, a GP did not get a supply of vaccine. The communication with the HSE was very poor. The staff in the GP's practice had to talk to the families of older patients on the morning of their appointments and explain why the patients could not come in. The practice gratefully received the Moderna vaccine this week and the doctor said it was the first time people had laughed on the way in and out of the surgery because they had got something they had been waiting for. There is a huge problem with communication between the HSE and GPs. We cannot rely on emails. How can a GP practice plan when it gets two conflicting emails in one hour as to what type of vaccine it will get? How can it manage that? GPs do not know when they will get a second batch of vaccine and cannot plan around it. That is not fair to the people who are waiting and wanting to know what is going to happen.

Parents of children with special needs have been on to me and want to know when vaccines will be available. They do not want to know that they are in level A, B, C, D, E or F. They want to know, within reason, when they are going to get their vaccination. They want to get some sort of communication and speak to people who know when it is going to happen. We do not know all the answers but one thing that is coming back to me clearly from people in my constituency is that the communication is very poor. We cannot rely on a daily report stating

how many people have been vaccinated because it does nothing to help or reassure the people who are not vaccinated. How can we set up better communication? How is the Minister going to deal with the staff in the blood transfusion service? When might they be vaccinated?

**Deputy Stephen Donnelly:** I thank the Deputy for the questions. The Deputy's question about projected supply and whether we can publish the amount expected to come in, week by week, is reasonable. The problem is that the amount expected to come in, week by week, is being changed, largely by AstraZeneca, and sometimes several times a week. That is causing untold anxiety in the community. It is eclipsing the good news that we are rolling out astonishingly effective vaccines to the most vulnerable groups of people and healthcare workers and that process is going well. The Deputy rightly referenced a GP clinic where the process has not worked perfectly and appointments had to be rescheduled for a week later. That should not happen but it did and similar problems affected approximately 65 of the 1,300 practices in the country. Those practices had much smaller groups of people to vaccinate. That should not have happened. The HSE has tried to learn from that and put in extra supports for GPs. What happened at the same time was that in the three-week period when the target was to vaccinate those aged 85 and older, 99% of that target group were vaccinated in that period. That is not a message that got out. The message that got out, understandably, was the number of examples in which the process did not work perfectly. We need it to work as perfectly as possible. The roll-out has not been flawless and lessons are being learned.

On the Deputy's suggestion that we state the amount of vaccines we will get, week by week, we know with absolute certainty that the amount will change regularly. We also know that is causing a lot of anxiety for people. We probably need to focus on the Deputy's related question about whether we can have indicative timelines, even the months when different groups of people will be vaccinated so that they know whether they will be vaccinated in April, May or June. We will endeavour to do more on that to try to provide some certainty for people in order that, armed with that information, they can begin to plan and think about the rest of the year and the future.

**Deputy Paul McAuliffe:** I welcome the Government's announcement in recent days regarding its attempts to secure a supply of vaccinations. I made a rough calculation. The WHO says 315 million people on the planet have been vaccinated out of an available population of 5.2 billion. This means that 4.8 billion individuals have yet to be vaccinated. In the early phases of the pandemic, we saw a great deal of amateur virology and at times we have seen some amateur procurement as well. The idea that we can easily access vaccines somewhere on the planet when 4.8 billion people are yet to be vaccinated is difficult to comprehend. It should not mean that we do not try, but we should outline exactly how difficult that is going to be.

I am always reluctant to give advice on NIAC's prioritisation unless I see a gap. The gap I see is that relating to people who are aged over 65 and who are being admitted to hospital. Hospitals are high-risk environments for Covid, but people are not being vaccinated. It would be worth looking at that matter because I know of a number of cases where people have contracted Covid after being admitted to hospital. It might seem some time off, but has NIAC given any thought to the idea of prioritising those areas that are hotspots geographically for the final cohort of the vaccination roll-out? Unfortunately, my electoral district, the Ballymun-Finglas ward, has one of the highest rates of Covid in the country. To my mind it would make sense to start in those hotspots.

**Deputy Aindrias Moynihan:** Carers are very much on the front line, working up close and

personal with people. Many of the people they are caring for will be getting the vaccine, but to set the minds of carers at ease, could the Minister outline the plans to ensure that they will be vaccinated quickly? Carers need to get a clear indication in that regard. I know steps have been taken, but could he indicate the plans for advancing their vaccination to set the minds of carers at ease?

Pharmacists are a cohort of people who could be involved in the roll-out of the vaccine. GPs are fairly busy administering the vaccine already, but if pharmacists were engaged, they could back them up and almost double the number of vaccinators. Could the Minister outline how quickly pharmacists will be engaged in getting vaccines rolled out? They would genuinely add so much to the pace. The pace of the roll-out is a significant issue for many, especially vulnerable people. The reprioritisation was a very positive move for cohorts 4, 5 and 7, which are people with various conditions. I imagine it is not going to be that straightforward to identify a large number of them but many vulnerable people already have a relationship with pharmacists, hospitals and so on. Could the Minister outline how people will be identified? Will they have to engage with pharmacists, consultants or hospitals? I know he will not have a quick answer on that so he might be able to send me a note on it in order that I can outline the information to people and set their minds at ease as to how those in vulnerable groups will be identified.

**Deputy Alan Dillon:** I thank the Minister for his time in facilitating questions. I am not having a go at the Department or the hard work undertaken by the HSE, I am trying to help. We simply need more information on the supply of vaccines, the logistics involved and where they are going. While older people and front-line staff continue to be vaccinated, I receive daily reports of situations causing public distress and concern. In addition, it is increasingly difficult to get official information and a meaningful response. Last Thursday, I was contacted about queues for up to three hours of front-line workers at Mayo University Hospital where more than 100 people were congregated. Last Friday, I was advised of an error regarding a vaccine delivery to a GP centre in Bangor that should have gone to Belmullet. This resulted in one practice receiving large quantities of vaccine and the other being left short. On Monday, I was contacted by a family who were really concerned about their 95-year-old mother who was just holding on and had yet to receive information about her vaccine. I understand that no one will be left behind, but one can understand the stress this is causing.

I have contacted various GP surgeries and the current barriers encountered by medical centres are mainly administrative, with duplication of paperwork, cumbersome ordering and ongoing uncertainty on the volume of vaccines GPs will receive. Local media reports yesterday indicated that some surgeries did not receive vaccines despite promises of delivery. Public representatives need more information about the vaccines coming on stream. I am fully conscious that the timeline will not be perfect, but GP surgeries and pharmacies need transparency on this.

Two thirds of intern doctors at Mayo University Hospital have been offered contracts in July. Where are the remaining five contracts? This matter must be addressed.

**Deputy Kieran O'Donnell:** I will opt for a back-and-forth exchange with the Minister. Supply is the issue at the moment. If we had a supply of vaccines a lot of the issues that are arising would not arise. I want straightforward answers. We talk about what is happening outside the EU, but I want to talk about within the Union because that is the procurement process we signed up to. Is the issue with the European Commission and the manufacturers and suppliers of the vaccine or is it with how Ireland is dealing with the suppliers of the vaccine? Could the Minister answer "Yes" or "No"? I have another question for him.

11 March 2021

**Deputy Stephen Donnelly:** It depends on what the Deputy means by the term “the issue”. Certainly, Ireland has opted into its full *pro rata* amounts. We have opted in to the options on all of the top-ups and as a result of that we pre-ordered enough vaccine to vaccinate every man, woman and child in the country twice.

**Deputy Kieran O’Donnell:** My question for the Minister is whether the issue is with us. If the issue at the moment is that we are not getting our *pro rata* share from the manufacturers of the vaccine a couple of things need to happen. The Minister must have a direct meeting with the suppliers of the vaccine. There must be a meeting with the European health ministers on the issue and there is also a need for a collective meeting of those Ministers with the suppliers and manufacturers of the vaccine. Could the Minister give those commitments? He put out a statement that he is looking at working with other countries to ensure the most efficient use of vaccines within the European Union. Will that happen?

**Deputy Stephen Donnelly:** To be absolutely clear: Ireland is getting its *pro rata* amount. That is why we consistently have had one of the fastest roll-outs in the EU. I assure the Deputy that there is ongoing work with member states-----

**Acting Chairman (Deputy John Lahart):** I thank the Minister.

**Deputy Stephen Donnelly:** -----and with the Commission on the points the Deputy raised.

**Acting Chairman (Deputy John Lahart):** We will move on to the Rural Independent Group.

**Deputy Michael Collins:** I will concentrate my efforts on the Garda. I will be making statements and I would appreciate it if the Minister would give me a written reply. I have asked a lot of fair questions about the vaccines and I have never got a reply. Shop assistants are asking me when they will be considered. They have been on the front line for quite some time. Many people on islands off west Cork are infirm and are not able to leave the island. Will a doctor travel to the islands to look after them?

I encourage the Minister to increase the number of people allowed at weddings and funerals in the upcoming announcement because people are trying to get married but not in an unsafe way.

I wish to speak on behalf of the 300 Garda members in the Cork west division and their families. What is their priority for vaccination? Since the beginning of the pandemic, gardaí in west Cork and throughout the country have stepped up to the plate when called upon. They have put up with changes to their working lives and conditions and changes to work patterns, and they have policed checkpoints and enforced all Covid restrictions they have been asked to enforce. That is despite being poorly equipped from the outset with PPE gear that could only be called second rate at best. In most cases they were among the last to receive Covid equipment as it came on stream. Gardaí got on with the job while working in deplorable conditions, even taking Covid into account. We are all aware that the stations in which they work in west Cork are cramped and there is no hope of social distancing. Each day they provide the quality policing service needed in west Cork which, despite all the odds, they have managed to do through goodwill. They did so in the belief that by putting themselves and, indirectly, their families in harm’s way their endeavours would have been acknowledged and their health and safety taken into account when the vaccine roll-out took place.

I am cutting into my colleague's time. I would appreciate if they were seriously considered for vaccination.

**Deputy Mattie McGrath:** The clock started wrong.

**Acting Chairman (Deputy John Lahart):** I have the time in my head.

**Deputy Mattie McGrath:** I have a question for the Acting Chairman. I have never received a written answer to my questions from the Minister for Health or his colleagues, despite having asked for them since last September. We ask for answers and do not get them. It is an abdication of his duty. We are elected by the people to ask questions.

I want to speak about An Garda Síochána. Members of the Garda are front-line workers who must deal with every situation and have done so gallantly. Community gardaí have stepped up to the plate. They are losing numbers and cars. We need a definite date for the vaccination of members of the Garda. Thomas Finnan, a Garda Representative Association, GRA, representative, and his colleagues in Tipperary contacted me. They do a sterling job and have to get a date for vaccination.

Other speakers have referred to front-line carers. They are in a very vulnerable situation and are looking after the most vulnerable people. We need a date for vaccination for them. We have not received reassurance from the statements and the feeble effort to roll out and procure vaccines. It is shocking.

I want to ask the Minister about the loss of ten intern doctors. There have been 19 in Clonmel since last July, the middle of the pandemic. This July, no new doctors will be appointed. They will all have to emigrate. We cannot afford to lose more than half of our doctors. Many people in the Minister of State's constituency go to Clonmel hospital. This is shocking.

I refer to the children's hospital. I have been contacted by Jonathan Irwin, a renowned businessman who cares about the children's hospital and is involved in the Jack and Jill Children's Foundation. Has the hospital been completely forgotten about in the quagmire, bog and dark black hole? Will the cost be €2 billion or €3 billion? Can we get any update on the current situation? I know where the site is. There have been cost overruns. Will it be finished? We know from social media that there was a major fistfight among employees some time ago. Things could go wrong. There is some kind of a curse on it. Why would there not be, with the blackguarding that is going on?

I do not know what time is left on the clock today, but I want answers in writing from the Minister. I do not want to have to come back here next week or the week after and ask the Minister for answers. He has a duty to reply to the questions we ask and he cannot evade our questions. He has evaded them assiduously since he was appointed, which is shocking. St. Brigid's hospital in Carrick-on-Suir was closed in the middle of a pandemic. The Minister of State, Deputy Butler, should be ashamed of herself. The Minister and Minister of State will not meet the residents, staff or councillors in Carrick-on-Suir.

**Deputy Catherine Connolly:** I am glad the Minister has acknowledged that there was not a perfect roll-out. I acknowledge the enormity of the task of trying to vaccinate the whole country. Let me say that publicly. I also want to repeat that it is simply part of an overall approach. My worry is that we are now focusing entirely on the vaccination programme, which I understand, but there is a much bigger issue, namely, how we deal with the pandemic.

11 March 2021

Let me finish on the practical side. Last week the Minister got a little excited about what I pointed out. Today many other colleagues have pointed out the difficulties faced by GPs. We contacted GPs in Barna, Spiddal, Carraroe and the Aran Islands. There were significant difficulties in the vaccination operation, which were not caused by the pharmaceutical companies but rather the operation of the HSE in its failure to communicate and deliver vaccines. It treated three islands as one unit, which highlights the importance of having a policy for the islands.

I will leave that aside for the moment. The Minister has acknowledged that and has said there is a call centre. He might come back and clarify the nature of the call centre. Has it been privatised or is it within the HSE? What is the cost of it?

Today is 11 March. I am sure that has not been lost on the Minister, but he did not state in his speech that on this very day a year ago a pandemic was declared. When the World Health Organization declared that pandemic, it said it did not use the word “pandemic” lightly or carelessly. It said it had rung the alarm bells loud and clear. It went on to state that all countries could still change the course of the pandemic. It was a very strong and positive message from the World Health Organization. At that stage, 81 countries had no cases and 57 had fewer than ten. What was the WHO message? It was to detect, test, treat, isolate, trace and mobilise. The WHO representative said that was doable. He said countries should prepare and be ready, and to detect, protect and treat, reduce transmission, innovate and learn. I would love an opportunity to be part of a debate in the House on that message from the WHO a year ago, and our utter failure, along with a lot of other countries, to embrace the message, realise where we were and take appropriate treatment.

I can forgive any Government for what was done in February, March and April, because it was caught on the hop, but it had the whole summer to prepare for vaccination and how we could finally open up our country in a safe manner. I was always a proponent of an approach to zero Covid. The current lockdown was totally avoidable had we dealt with this in the beginning instead of getting caught up with what was or was not a substantial meal in a pub and dividing one pub from another, as opposed to acknowledging that we were facing into a pandemic with an utterly starved public health system, a public hospital system that was at crisis point and so on.

I need to repeat this because in the middle of all of this, while focusing on numbers in respect of the vaccination programme, we are forgetting how the pandemic arose. I do not have time to go into that, but we know the connection between what we are doing to nature and the natural environment and the rise of pandemics. There was a failure in our public services.

Having put that in context, I have left the Minister very little time. I am simply raising these matters with him. On the practical side, he said 99% of the problems on the ground had been sorted out. I do not believe that. I believe the figure is over 90%. Can the Minister of State confirm that everybody over 85 years of age will be completely vaccinated? The word “some” has been used for a few weeks. I also ask for clarification on the call centre.

**Deputy Mary Butler:** I thank the Deputy for her questions. I cannot answer the question on the call centre but I am sure we can get her a written reply on that. On where we started, on 15 February we commenced vaccination of those aged over 85.

**Deputy Catherine Connolly:** The roll-out started with those aged over 85 years. Have they all been vaccinated? Will they be by the end of the week? I ask the Minister to answer my

question on the call centre.

**Deputy Mary Butler:** Of those aged over 85 who wanted to receive the vaccine, 99% have received it to date. We are starting the roll-out for those who are housebound today.

**Deputy Catherine Connolly:** Perhaps the Minister could answer my question on the call centre.

**Deputy Stephen Donnelly:** I thank the Deputy. I will get her a detailed note on that. It is one of several measures the HSE has put in place in response.

**Deputy Christopher O'Sullivan:** I want to begin by focusing on the positives. There has been a huge reduction in the number of cases in nursing homes and among front-line workers. That is fantastic and is proof that the vaccines are working. The fact that 99% of those aged over 85 years have been vaccinated is something we have to welcome. It is good news. The fact that we have conducted a review of the NIAC priority list and have been able to accommodate people with chronic kidney disease and transplantees is good news. It means that we are listening. The fact that two mass vaccination centres will be opened in Cork South-West is good news for the people of my constituency.

I have to take this opportunity to speak on behalf of sections of society that feel they are being overlooked. Like most Deputies here today, I want to speak up on behalf of carers. Family carers are frozen and petrified with fear that they will bring the virus into places where they are looking after their vulnerable loved ones. We have to look at that.

I want to take this opportunity to acknowledge the phenomenal work of An Garda Síochána throughout the country. Its members have provided amazing service during the pandemic. Most Deputies make daily or weekly trips to and from Leinster House. I meet the same gardaí at the same checkpoints every week when I make that trip. Hail, rain or shine, they are there. They are in Ballinascarty, Bandon, Innishannon and in The Viaduct. No matter what the weather, they are there and they are there to protect us. The work they are doing is phenomenal. We have to acknowledge that. They are so accommodating and they are friendly in how they do their job and they are doing it right. They face extraordinary circumstances. We saw what they faced on the streets of Dublin and they faced similar scenes on the streets of Cork. When they are called out to an incident, they have no idea of what circumstances they are being called out to or whether there is Covid present there. Like other Deputies, I received a letter from the Garda Representative Association. All it seeks is that consideration be given to members of An Garda Síochána being vaccinated after the medically vulnerable. I would love a comment on that. For the extraordinary work they are doing, they deserve more.

**Deputy Stephen Donnelly:** I seek a clarification from the Acting Chairman. To date, there has not been a closing statement at these sessions. Should I respond to Deputy Christopher O'Sullivan's questions or what point are we at now?

**Acting Chairman (Deputy John Lahart):** In the debate notes I have, it is called a wrap-up. The Minister may interpret that. He has seven minutes.

**Deputy Stephen Donnelly:** Okay, I thank the Acting Chairman. I will begin by addressing Deputy O'Sullivan's question. I wholeheartedly agree with him about the Garda. From day one, members of the Garda have done an extraordinary job. They have put themselves in harm's way, both in terms of the virus and in some of the activities that we have seen, particu-

larly the protest in Dublin and the disgraceful behaviour with direct attacks on gardaí. They have done an extraordinary job. They have been involved in a very hands-on and co-operative approach to enforcement. They do not come the heavy, lots of options are available to them. Ultimately, if they need to fine people, they will and many fines have now issued. Ultimately, if they need to prosecute people, they can and some prosecutions are under way. I think they have done a superb job.

Family carers do invaluable work, which is incredibly difficult, every day. Their contribution is hugely appreciated by the people they care for, their families and by all of us. That is to be acknowledged. The Deputy is asking whether, given that both these groups are doing such important work, they can be prioritised. A similar question has been asked about teachers, for obvious reasons, and funeral directors and those working in that sector because they are coming in contact with people who have died of Covid-19, as well as a wide variety of other groups. I, and all of us here, would like nothing more than to have sufficient supply to be able to simply roll it out at scale, at a rate of several hundred thousand per week, and we would move through all these very worthy groups at pace. We are working with all the supply we have. As the Deputy has acknowledged, it is right and proper that we prioritise those at highest risk first and our healthcare workers. As mentioned earlier, the impact the vaccine is having on the cohorts that have been vaccinated is nothing short of astonishing, with a 95% reduction in Covid infection rates for hospital workers. We should remember that not all hospital workers have received their two doses yet. The reduction is in part based on partial vaccination and partly down to a very welcome reduction in community transmission, which has come at a very high cost to and sacrifice by the Irish people. As the Minister of State, Deputy Butler, said earlier, the impact in nursing homes has been radical. The numbers of staff out of work because of Covid, directly or indirectly, was several thousands in January. It is now in the low hundreds and continues to fall. We fully expect a similar boon for those getting the vaccine based on age.

At present, several cohorts have been agreed in the prioritisation. Cohort 1 comprises those in long-term residential care, cohort 2 comprises healthcare workers, cohort 3 is based on age, namely those aged 70 years and older and cohort 4 now includes those identified as being at very high risk due to underlying conditions. Then there are two other cohorts, namely, those involved in the vaccination programme, those aged 65 to 69 years and then people with underlying conditions which puts them at high risk but not very high risk. When all those cohorts are added up, it amounts to a very sizeable group of people. For instance, there are believed to be in excess of half a million people with underlying conditions, and then there are those aged 65 to 69 years. A very large group of people already has been prioritised and I think there is pretty much universal support for the approach taken to date. Understandably, the question being raised across the House is, what happens after that? Can family carers, members of the Garda, teachers, funeral directors and a variety of very worthy and important groups come next? The national immunisation advisory committee and the Department of Health, in conjunction with other Departments, are doing a full review of the population to be vaccinated after the groups we have just talked about. NIAC considers the risk profile, because we always want to prioritise those most at risk from Covid, as well as the likelihood of people getting infected. The work is ongoing. I know the House wants the detail and to know broadly when people can expect to get their first dose, because the second is pinned to that, depending on the vaccine, or if it is the Janssen vaccine, it is just one dose. It would be useful, and has been discussed at length here today, that when that group is agreed and we look at our provisional supplies, which have moved in a way that caused a great deal of anxiety, that we would be able to provide indicative time lines for the remaining cohorts, perhaps by month.

**An Leas-Cheann Comhairle:** It is one of the rare times the Minister had another minute or two left.

*12 o'clock*

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

**Deputy Pearse Doherty:** Ar an 6 Márta thug Comhairle na mBreithiúna tacaíocht do na treoirlínte úra atá le leibhéil na ndámhachtainí i gcásanna díobhálacha pearsanta a ísliú. Beidh éifeacht aige seo ar chomhlachtaí árachais agus beidh ísliú i ndán maidir le costais éilimh. Tá sé tábhachtach go bhfuil buntáiste anseo do chustaiméirí. Lé rófhada tá na comhlachtaí árachais ag glacadh lámh ar chustaiméirí maidir le costais árachais agus caithfidh stad iomlán a theacht air seo anois. Caithfidh na treoirlínte úra seo costais árachais a ísliú do na custaiméirí.

The Judicial Council voted at the weekend to adopt new personal injury guidelines. This will see a reduction in personal injury awards, including for minor injuries. These new guidelines will replace the book of quantum, which sets general guidelines for awards in general injury claims. The Government approved these new guidelines on Tuesday. We welcome that and Sinn Féin supports these guidelines as we facilitated the passage of the Judicial Council Act in 2019.

We did so because we were told that would result in a reduction of the cost of insurance for hard-pressed consumers. These new guidelines reduce the cost of personal injury awards by more than 60% in some cases. Immediately after we heard the news that these new guidelines had been approved, representatives of the insurance industry went out spinning and spoofing. On the national airwaves, insurance industry representatives refused to commit to immediately reducing insurance prices despite these guidelines slashing the cost of claims. This stance was in complete contrast to previous claims from the insurance industry.

I will read into the record what industry representatives told the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach in 2019. In July that year, the CEO of Allianz told the committee that, “when we price insurance, and we are pricing insurance for the next 12 months, we have to set out our premium on the basis of what we expect to happen in terms of the number of claims over that 12-month period”. The insurance companies therefore are not looking at past costs but at the future cost of claims. As a result of these new guidelines, those payouts have now been substantially reduced.

In fact, representatives from the industry went even further in telling us the levels of price reductions we should expect as a result of reduced personal injury awards. In October 2019, the CEO of Zurich Ireland told the committee that if soft tissue personal injury awards were to fall by 50%, then reductions of up to 15% in the cost of motor insurance would be expected. Regarding public liability insurance affecting businesses, he stated that we should expect reductions of 20%. Indeed, he said that the committee should ask serious and hard questions of the insurance industry if that did not happen. We know these guidelines go beyond the 50% reduction that he had suggested. Motorists should be experiencing real reductions in premiums today, tomorrow, next week and next month. It should also include business renewals. That is what was said straight from the horse’s mouth when the industry wanted us to pass the legislation and wanted the Judiciary to cut the awards.

We have passed the legislation and the Judiciary has cut the awards but the industry is trying to wriggle out of the commitments it has made. The insurance industry will see the expected

cost of claims significantly reduced. From today, the money those companies will have to pay out on awards will be significantly reduced from what was previously the case. Therefore, we should see an immediate reduction in the premiums being charged from this point onwards. This is the road we have gone down. The industry has nowhere left to hide and insurance companies must commit to immediate reductions in insurance premiums for motorists and for businesses.

Does the Tánaiste believe that the new guidelines should result in immediate reductions in insurance costs for consumers? What role will the Government play in ensuring that these cost savings for the insurance industry will be passed on to consumers in the form of lower insurance premiums? Did the Tánaiste or anybody in the Government get commitments from any of the insurance industry companies that there would be an immediate reduction in insurance premiums, as there should be?

**The Tánaiste:** I thank the Deputy for again raising this important matter of insurance. The Government is pursuing its action plan on insurance reform. The objective of that action plan is to make insurance more available for people and businesses and to reduce the cost of premiums charged to people and businesses for motor insurance, home insurance, public liability insurance, employers liability insurance and indeed all forms of insurance. A major part of the Government's action plan on insurance reform was to replace the old book of quantum with these new personal injury guidelines. I am glad the Judicial Council has now issued these new guidelines, which does result in a reduction in payouts that people will receive. The reductions will vary depending on how those are measured, but on average it will probably be something like 50%. That is significant.

This is of course only one part of a wider range of reforms and we have always said that there is no single reform which on its own will reduce insurance costs to the extent that we want them to. If one were to look at the pie chart of insurance costs, however, the biggest part of that would be the payouts paid to people who have been injured. Other things such as legal costs and the costs to the insurance companies in respect of their profits and reinsurance are all in and around 10%, whereas the payouts account for 40% to 50% of the cost of insurance. We therefore expect and anticipate that reducing payouts should result in a reduction in the cost of premiums for people.

It is important, however, that we are honest with people. The Deputy already knows, but he will not want to admit, that the new guidelines do not take effect immediately. They do not apply to claims which have already been assessed by the Personal Injuries Assessment Board, PIAB. The guidelines also do not apply to cases which are already before the courts. No Government can change the rules or guidelines retrospectively. We can only change them for new claims or at least for claims which have not yet been assessed. That is the plan. We must pass legislation to bring these new personal injury guidelines into force and we will do that as soon as possible. The Minister for Justice, Deputy McEntee, has approval to do that by legislation within weeks and I hope we will have the full co-operation of the Opposition in enacting it.

Even then, however, it will not apply to cases already before the courts or which have already been assessed by PIAB. The legislation will only apply to cases which have not yet been assessed. As a result, and there is no getting around this aspect, there will be a time lag between the present and the time when we will see premiums coming down. It is simply not honest to suggest that the reduction announced at the weekend can suddenly result in premiums being reduced next week. The changes have to become law first and that law cannot apply to claims

which have already been assessed. That would be changing the law retrospectively, which as the Deputy knows is unconstitutional.

I do believe, however, that this development will result in the costs of premiums coming down, but there will be a time lag between now and when that happens. I anticipate and I will be looking out for renewals in the months to come and over the year to see whether costs have come down. We will be holding the insurance industry to account on that issue. I have met representatives of the insurance industry, as has the Minister of State, Deputy Fleming. We will be meeting them regularly. The Minister of State is going to meet the CEOs of the insurance companies individually and we will be impressing on them our expectation that as awards do start falling that premiums should fall as well. We are seeking individual commitments from each of the insurance companies that they will do that.

**Deputy Pearse Doherty:** With respect, the Tánaiste obviously does not know how insurance works because he just gave the line of the insurance industry when he said that there will be a lag period and that reductions will happen but will take a while to work through. I quoted for the Tánaiste what the representatives of the insurance industry had told us. Let me quote those words again. The representatives said that, “when we price insurance, and we are pricing insurance for the next 12 months, we have to set out our premium on the basis of what we expect to happen in terms of the number of claims over that 12-month period.” The reality is that over the next 12 months, the cost of awards will be coming down. The announcement at the weekend will be given legal effect within two weeks.

The amounts paid out by insurance companies in awards will be reduced and therefore the premiums which people will enter into today, next week and next month should reflect those reductions. It is really important for the Government to understand that aspect and to ensure that the insurance industry is passing those reductions on straight away. When the representatives of the insurance industry wanted this legislation passed, which this House did, they told us that if we are not seeing reductions of 15% in motor insurance and 20% in public liability insurance then the politicians in this House should be asking those representative serious questions. The reality is that the awards are being cut straight away, because anything which is already assessed by PIAB has had a premium charged for it by the insurance companies. The insurance companies have counted that cost in previous premiums. Will the Tánaiste support the call for immediate reductions-----

**An Leas-Cheann Comhairle:** Deputy Doherty’s time is up. I call the Tánaiste.

**The Tánaiste:** I do not speak for the insurance industry. Perhaps Deputy Doherty does. He is very keen to quote the representatives of that industry on any occasion. I do not speak for the insurance industry. Perhaps the Deputy does, but I do not.

The personal injury guidelines were announced at the weekend. I do not know if the Deputy’s contention that they will become law in two weeks is true. We must enact legislation in this House first, then we need it to go through the Seanad and then it needs to be signed by the President. The resulting law will also not apply to claims which have already been assessed. Therefore awards will be made in a week, in a month and in two months which will not fall under these new guidelines. There will be a lag period. I want to ensure that period is as short as possible. We will be putting pressure on the industry, holding it to account, holding its feet to the fire and seeking from it commitments that premiums will decrease as awards decrease, but the awards have not yet decreased.

11 March 2021

**Deputy Alan Kelly:** I want to ask about vaccines and I preface my comments by saying I am very much pro-EU. I am a former MEP and I know that Ireland is part of the EU bloc. It was very important for us in regard to purchasing power for vaccines. However, yesterday I appeared on RTÉ's "Drivetime" programme with Cormac Ó hEadhra, along with the EU health spokesperson, Stefan De Keersmaecker. To say Mr. De Keersmaecker's commentary and answers to questions was underwhelming would be an understatement. I asked the following fairly direct question, which was relayed to him. How could AstraZeneca continue to honour its contractual obligations to the UK but let down the EU? The Tánaiste has asked this himself. How is this allowed to happen? The response from Mr. De Keersmaecker was that the European Commission was "talking very seriously" to AstraZeneca.

I am sorry, but if talking very seriously to the company is the extent of what the EU is prepared to do, our colleagues in the European Commission need a different dose. They need a dose of reality because that is not good enough. They obviously do not know the level of frustration in this country, and indeed in other countries, and obviously feel this approach will get us there. It will not, however. The President of the European Commission texting the Taoiseach yesterday with good news of 46,500 new vaccines does not cut it because the text back to her should have asked what about the 653,500 vaccines, net, that we are still down. On top of this, we know that the EU has exported 34 million doses of vaccine to other countries, including 9 million to the UK, for instance. The UK and the US, in essence, are not allowing any exports, yet the EU is allowing exports to those countries.

I am asking the Tánaiste to say, on behalf of our country, that the way in which the EU is dealing with vaccines needs to be recalibrated, more ambitious and certainly more clinical. We need a summit on vaccines. The Government should demand it. I would not mind if part of that was face to face to get into the detail of this because we need to do three things as a result of this. We need to ensure we protect current supply in the EU as much as possible, and I am not into vaccine nationalism. We need to make sure, most importantly, that the contracts are honoured. Finally, we need to put together plans to increase manufacturing throughout the EU for our citizens.

**The Tánaiste:** I am pro-European too and a big supporter of the European project and European integration, but like the Deputy I do not believe that necessarily means one cannot criticise the European Commission on occasion, and perhaps this is one of those occasions. I very much support the fact that we took the decision to adopt a common European approach. I was Taoiseach during the first wave of this pandemic and I remember what it was like when every individual country was competing with one another and struggling to get personal protective equipment, PPE, to protect staff and to get reagents, ventilators, swabbing kits and testing kits. I know that in that scenario, it is more likely that the big countries with the big buying power will do better. Had Ireland gone on its own on this occasion, we may have found ourselves at the back of the queue. I think we were right, therefore, to be part of a European approach. That does not mean we have not all along been exploring other avenues. We have been, and the Taoiseach has gone into some detail on that.

It is evident that we have a problem here. While Pfizer and Moderna are honouring their contractual commitments with the European Union, give or take a day or two or a few glitches, AstraZeneca has not and that is an enormous problem we are now facing. I am seeking explanations too because I can understand how AstraZeneca might run into problems with supply, manufacturing or quality control, but I do not understand how this big successful company can honour its contracts with the United States and the United Kingdom but for some reason not

honour its contractual commitments to the European Union. Thus far, the answers it has given are not satisfactory. The Government does not find them satisfactory and the European Union does not find them satisfactory either.

In terms of action that can be taken, there is provision for export bans. That is a European law and as Minister for Enterprise, Trade and Employment, I have signed it into law in Ireland, although it does not arise here as no vaccines are being made in Ireland at the moment. The European Union and member states have the power to ban the export of AstraZeneca vaccines and Italy has been the first to do exactly that. We are, of course, ramping up manufacturing supply to the extent that we can, but bear in mind there is not a huge amount of spare manufacturing capacity in Europe. Plants that manufacture medicines and vaccines are already manufacturing medicines and vaccines, and we cannot stop manufacturing life-saving medicines that we need now. That needs to continue, but all those things are being explored. Even from my Department, €100 million is available in state aid for companies that want to scale up and manufacture Covid-related products, whether PPE, testing kits or vaccines, as the case may be.

**Deputy Alan Kelly:** I thank the Tánaiste for his frankness but I want to know what we are going to do here. Everyone knows that AstraZeneca is letting down the EU. I was shocked by the response I got yesterday. It is simply not good enough. What are we going to do? We are a small country but we have big capacity. This needs to be dealt with at a European level. It cannot be a situation where this company is honouring its contracts to Britain and the US, with exports going from Europe to Britain and the US, and our contracts are being failed. It is simply unacceptable. There needs to be a European action plan for this immediately. Will the Government look for this to happen? Will it look for an EU summit on this to happen immediately? If we do not act and protect our citizens, we are failing them. The EU, at the moment, by allowing the company to behave like this, is failing its citizens while allowing exports to countries outside the EU.

**The Tánaiste:** The provision for export bans exists and Italy has started down that road. I understand there is going to be a meeting of Heads of State and Government to discuss vaccines quite soon but I do not know the date for that.

Tá an clár vacsaíne faoi lán sheol. Tá an chéad dáileog faighte anois ag formhór an lucht cónaithe in ionaid chúraim fadtéarmacha, oibríthe cúraim shláinte agus daoine atá 85 bliain d'aois nó níos sine. Is léir go raibh frustrachas faoi leith ann nuair a d'athraigh comhlachtaí an sceideal seachadta. In ainneoin seo, dáiltear 95% de na vacsaíní a thagann chuig an tír ar dhaoine laistigh de sheacht lá. Fógraíodh dea-scéal inné go mbeidh 46,500 dáileog bhreise den vacsaín Pfizer le fáil ag Éirinn roimh dheireadh na míosa. Ina theannta sin, táimid ag súil le cinneadh ón EMA faoin vacsaín Johnson & Johnson. Má mholtar an vacsaín sin tiocfaidh dáileoga go hÉirinn i lár mhí Aibreáin.

**Deputy Richard Boyd Barrett:** I do not need to remind the Tánaiste about the very significant hardship and sacrifice that huge numbers of people have undergone as a result of the Covid pandemic. With a motion that People Before Profit is putting before the House tonight, we are proposing that for many of those who have made that sacrifice and suffered that stress, anxiety and hardship, we need to offer them a better future as we move out of Covid, and in particular in the area of education and access to higher and further education and apprenticeships. That is critical for the 80,000 people who have recently applied to the Central Applications Office, CAO, such as the leaving certificate students and so on. It is critical to the tens of thousands of people in third level who have seen their education experience greatly diminished over the past

year, to thousands and thousands of people who may have to reskill and retrain because their livelihoods have been decimated as a result of the pandemic, and for the ability of our society to thrive and prosper socially and economically after Covid-19. It seems, however, that we are not offering that better future to all of those people as we move out of the Covid pandemic. Rather, we are putting multiple obstacles and hurdles in their way as they try to access higher and further education or apprenticeships and complete their education to the highest possible level. Some 80,000 people will apply to the CAO, 25,000 of whom will be disappointed and potentially demoralised because we do not provide enough places in higher and further education or enough apprenticeships.

Our third level students and postgraduate students are suffering the highest fees levied anywhere in the European Union now that the UK has left. Many of our postgraduate students are living in absolute poverty on miserable stipends while suffering extortionate fees. Many of those who want to return to education to reskill or retrain are blocked from doing so by these high fees and the cost of accessing further education later in life.

The Tánaiste's Government has tabled an amendment to our motion. I appeal to him to withdraw it and to say that this is the time for courage, vision and payback for those looking for a future on the other side of Covid. We ask the Government to allow open access to third level and higher education and apprenticeships, to scrap the fees that make life so difficult for our students and to give decent supports to people in postgraduate education who are trying to do the research we need, and which we will need even more after the Covid crisis.

**The Tánaiste:** The Government is committed to education and to improving education in Ireland at all levels over the coming years. Education is the great leveller. It raises people up, gives them opportunities and allows them to learn more, earn more and build a better life for themselves and their children. That is why I am proud to have been a member of governments that introduced two years of free preschool education for all children. Investment at that age provides the best return and I am really glad that we prioritised that. I am also proud to have been a member of governments that ensured that more people can now access further and higher education than was ever the case before, these people coming from more diverse backgrounds than was ever the case before. I am glad to have had the privilege to be part of the governments that achieved that. As the Deputy will know, we are now investing in increasing the number of apprenticeships and types of apprenticeships. We now offer employers further incentives to take apprentices on. That is what we are actually doing.

We can, however, only do things that are realistic, practical and affordable. While I understand the motives behind the Deputy's party's motion tonight, and I can certainly see how they would be very appealing, I am not sure it is very realistic to abolish the leaving certificate and fees and to give everyone access to any course they wish. That is not practical. Not having a leaving certificate or some other form of assessment at the end of school would create great difficulties. I do not know how we would sustainably fund third level and higher education of the quality we would like. When countries such as Italy have attempted to introduce open access, they have ended up with very high drop-out rates. That is not desirable either.

**Deputy Richard Boyd Barrett:** Once upon a time, it was considered unthinkable that there would be open access to secondary education. We now look back and see it as monstrous that we would ration or limit the number of places available in secondary education. It is just as irrational and, frankly, lacking in vision to believe that we should still ration or limit access to higher and further education, education which benefits both those who desire access to it and

our society as a whole. It is not the case that we have done what we should do with regard to investment in higher education. Some 50% of lecturing staff in this country are on part-time or temporary contracts, including 35% of lecturers. Postgraduate students are living in poverty. The drop-out rate in this country is terrible. One-sixth of all first-year students in higher education drop out. A National University of Ireland, Galway, survey of students in that university found that a third of students suffer from depression because we are not supporting them in accessing higher and further education and allowing them to sustain themselves.

**The Tánaiste:** I thank the Deputy. Vision is one thing. I believe everyone in this House shares a vision about education. I have gone through some of the things we have done to widen access to education and to improve education over recent years. There is, however, a difference between vision and practical action. Practical action requires more than a motion of one or two pages. If the leaving certificate were to be abolished, the system of assessment to be put in its place would have to be set out so that people could judge whether it would be better. If fees were to be abolished, how much that would cost would have to be calculated and how that would be funded at a time when we are already borrowing €19 billion a year would have to be shown. That is not sustainable. One would need to show how that deficit could be reduced while also finding additional money to do other things. If there was to be open access to third level education and if people were to be allowed study whatever course they want, it would need to be shown where the laboratories, anatomy rooms, dentist chairs and practical placements for apprentices would be found. All of this seems to be absent from the motion the Deputy is to put forward tonight.

**Deputy Peadar Tóibín:** Tom worked in the Irish Prison Service as an assistant chief officer based in A block in Portlaoise Prison. This block houses some of the most notorious and dangerous prisoners in the country. Prisoners include Kinahans, Dundons and many more criminals who are household names. This is a high-pressure environment in which violence and threat to life are real and constant concerns for prison officers. It is alleged that in October 2018 a prisoner came to the governor parade of Portlaoise Prison and told the governor that three officers were constantly coming into his cell. He said that he felt these officers wanted him to do damage to Tom, the assistant chief officer. A high-level meeting between the governors was held afterwards regarding what the prisoner had said. However, it is alleged that no action was taken. Tom, who was a target according to the prisoner's words, alleges that he was advised to carry on working and that he must wait until a written complaint was made before action was undertaken.

Tom worked in this extremely pressurised environment for another 16 months until finally a prisoner came forward to make a category A complaint. This is the highest category of complaint a person can make within the Prison Service. That complaint was investigated by an external investigator named John Naughton. A number of prison officers and prisoners, including Freddie Thompson, a convicted murderer, were interviewed. Other prisoners confirmed what Thompson had alleged and said that many prisoners cannot handle these situations and will turn to violence. A governor also gave evidence. He told the investigator that some of the initiatives he had introduced were subversively resisted by some of the prison officers. The three senior officers who were the targets of these remarks also gave evidence. One stated that, on his arrival to the block, one of the basic grade officers told him that the officers did not like him, did not send for him and did not want him, that he would not be staying there and that they would run him off A block. Shockingly, Mr. Naughton's independent report into the situation found that it was undeniable that some officers were making comments to deliberately undermine

the work of senior officers and that there were grounds for the initial complaint. We know this information because Mick Clifford of the-----

**An Leas-Cheann Comhairle:** I am listening carefully to what the Deputy is saying. He is treading very closely to identifying people and there is a Standing Order on that. We will stop the clock for a minute as I am not going to use up the Deputy's time. The Deputy cannot identify people. I have been listening carefully and I am just putting the Deputy on notice in that regard.

**Deputy Peadar Tóibín:** Gabhaim buíochas leis an Leas-Cheann Comhairle. I have made a special effort not to mention the names of individuals. I am quoting from a report carried out by an independent investigator, John Naughton, into these matters. The reason we know this information is that Mick Clifford of the *Irish Examiner* has done extensive work on this story. He has reported these elements of the story in the *Irish Examiner*. Following that report, it is alleged that the staff members in question were not sanctioned, that they continued to work within the prison and that the only action taken was to require these officers to attend a workshop. This is not good enough. Does the Tánaiste not agree that there needs to be a full investigation into what happened here?

**The Tánaiste:** I am sorry to hear about Tom's experiences and the issues the Deputy raised. As the Leas-Cheann Comhairle alluded to, however, these are specific allegations and they involve unnamed individuals who could perhaps be identified as a result of the comments the Deputy has made. I am not familiar with and I have not read the report the Deputy referred to so I am not in a position to offer further comment. I will let the Minister for Justice know that the Deputy raised the issue and perhaps she can engage or correspond with him directly.

**Deputy Peadar Tóibín:** These are serious allegations and I have thought long and hard about raising them on the floor of the Dáil. The reason I have done so is because I have called the director general of the Irish Prison Service a number of times to see if I can discuss them with her. I have also put a question to the Minister for Justice on why actions were not taken on foot of the Naughton report. The Minister has not given me any information as to why actions were not taken. I followed up on the matter as best I could via all the avenues that one would expect a Deputy who seeks to have justice done for individuals in the pay of the State to do but so far I have found that doors have been closed to me. That is why I have no option but to raise the matter here with the Tánaiste.

These are allegations that people in the pay of the State have undermined other people in the pay of the State to a level whereby this has cost them dearly and they are no longer working. I also know of a protected disclosure that has been made by another prison officer from the same prison and of other individuals at that prison who are out of work as a result of this situation. There is a systemic problem here and the only way to resolve it is for the Tánaiste to take the bull by the horns, work with the Minister for Justice and ensure that there is an investigation into this matter.

**The Tánaiste:** I am sorry I cannot be more helpful on this matter. These are serious allegations. Any allegations that are made have to be investigated. People against whom allegations are made have the fundamental right to answer those allegations and to be considered innocent until proven guilty. That is why I would rather stray into this space, not knowing the specifics and not having heard from any of the people involved. I appreciate that the Deputy has tried to raise this matter through other means and has chosen to raise it in the Chamber. I will see the

Minister for Justice later today and let her know that the Deputy is concerned about this matter and would like a more detailed response if that is possible.

### **Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation**

**An Leas-Cheann Comhairle:** There is a long list of speakers and I will do my best to get everybody in. With the co-operation of the Tánaiste, we will get as many in as we can. I appeal to Deputies to stay well under one minute, if possible, and we will then be able to get the replies.

**Deputy Pearse Doherty:** In 2014, almost 14,000 people were brought before the courts for not paying their TV licence fees. In the previous year, 411 of those people were sent to prison for not paying their TV licence fees. A constituent of mine, a single mother, had the Garda call to her door and she was brought to Mountjoy Prison during this period for not having a TV licence. In the same year, the Davy 16 got together and formed a consortium for the sole purpose of swindling that company's client out of money. They were breaking the rules and regulations and not one of them has been held to account. In the same period, more than 40,000 people were essentially robbed by banks as a result of the tracker mortgage scandal. More than 100 of these individuals lost their family homes as a result. During the period in question, the Central Bank called time and again for the Government to provide it with additional powers to hold senior executives in the areas of finance, insurance and brokerage to account. Time and again, however, the Government has refused to bring forward legislation in this regard. There have been promises after promises but we still do not have legislation. When will the Government finally publish the legislation for which the Central Bank has been begging for more than three years?

**The Tánaiste:** The Central Bank already has extensive powers in this area. It can take action against individuals under its administrative sanctions procedure and fitness and probity regime. It can conduct an enforcement investigation into an individual, resulting in sanctions, including: a fine of up to €1 million; a requirement to pay the bank's costs for the investigation inquiry; and disqualification from working. The Central Bank can prohibit a person who is not fit and proper from performing any controlled function into the future. The Garda also has powers, as does the Director of Corporate Enforcement, who is aware of this matter. I think the Deputy is referring to the Central Bank (Amendment) Bill 2018, which would bring in a senior executive accountability regime. This was only proposed for the first time in 2018 in a report from the Central Bank and therefore could not have applied to offences that occurred four years previously. The Minister for Finance will bring that legislation forward as soon as possible.

**Deputy Alan Kelly:** I regret to say that the Tánaiste's follow-up answer to my question during Leader's Questions was not satisfactory. It has prompted me to ask the following questions. I listened to the Minister for Health answering questions earlier on the vaccine roll-out. Have the Taoiseach, the Tánaiste or any other member of the Government spoken with AstraZeneca? Could the Tánaiste confirm that somebody in government has spoken to AstraZeneca? At some stage, has somebody in government spoken to the three current suppliers and to Johnson & Johnson, whose vaccine will hopefully be signed off on today? Has the Government spoken directly to all four companies?

**The Tánaiste:** I do not know. The Deputy would have to ask every member of Government or we can try to find out for him. I have spoken to Pfizer and to Johnson & Johnson. These are

companies that have big operations here so I have done that. AstraZeneca does not have a big operation here. I know the Taoiseach has sought to speak to the CEO of AstraZeneca but I do not know whether that has happened. Again, I cannot speak for the Minister for Health but I am sure he can speak for himself.

**Deputy Gary Gannon:** On Monday, children in primary classes from third class to sixth class and fifth year secondary school students will return to in-person learning along with educators who are deemed high risk by Medmark Occupational Healthcare. Reports in the *Irish Independent* earlier this week showed that one in eight Covid cases were in children and teenagers under 18. Are we confident that we have done enough in terms of mitigation factors to keep those in school buildings safe? I am specifically talking about: ventilation, both natural and mechanical; mask-wearing; and whole-class testing. If cases go up, what are the additional mitigation mechanisms that will be employed to ensure that schools do not close again? We have to move beyond the binary options of school buildings being either open or closed.

**The Tánaiste:** This is probably more a question for the Minister for Health than a question on promised legislation. We are confident that we have done enough to ensure that schools are safe. So far, the return to school has been successful but, of course, more could be done in future. The Deputy will know from the plan that was published by Government two weeks ago that ventilation is a matter to which we are going to give more consideration because ventilation is increasingly understood to be of enormous significance when it comes to the spread of this virus. Professor Ferguson's report on antigen testing will be out in the next week or two as well and that may point to greater use of that form of testing in a number of different settings.

**Deputy Bríd Smith:** On Saturday, in the Tánaiste's constituency, George Nkencho will be buried and his family will, I am sure, be extraordinarily sad about this. I send our solidarity and support to the family. Given the disturbing circumstances relating to George's death at the end of last year - he was killed in his home by gardaí - does the Tánaiste accept the deep disturbance of his family and community regarding his death? Will the Tánaiste join with them in calling for an open public inquiry into the circumstances of the death of George Nkencho and in sending our solidarity and sympathy to his family when he is finally buried on Saturday?

**The Tánaiste:** I extend my condolences to the Nkencho family as well. I have spoken to them in person and to their solicitor. I have also been in contact with the Minister for Justice and the Garda about this matter. It is my strong view that there needs to be an independent inquiry into the death of George Nkencho. The way we do that is through the Garda Síochána Ombudsman Commission, GSOC. I have confidence in GSOC as an independent body to carry out an investigation such as this.

**Deputy Noel Grealish:** On two occasions in the past year I have raised the scourge of illegal dumping, the damage it causes to the environment and water supplies and the fact that it is a blight on the landscape. Penalties for those caught in the act of illegal dumping are not strict enough. It is ridiculous that a person caught on CCTV in the act of illegal dumping cannot be brought to court. It was recently reported that illegal dumping is costing local authorities up to €90 million a year to clean up and this does not factor in the time and effort put in by Tidy Towns committees and other volunteers. There is increased frustration that little is being done to tackle this problem which is getting completely out of control. On two separate occasions I have asked for a task force to be established, consisting of An Garda Síochána, departmental officials and local authorities, to deal with this situation. They must be given real powers including the power to use CCTV footage and the power to seize vehicles and equipment involved in

illegal dumping with severe penalties imposed for those caught in the act and for the release of these vehicles.

**The Tánaiste:** I thank the Deputy for raising this important matter. There should be no tolerance of illegal dumping which is an attack on our environment, communities and landscape. Penalties for illegal dumping are significant. People who are found responsible for unauthorised disposal of waste are liable to a maximum fine of €5,000 on summary conviction and-or imprisonment of up to 12 months, and to a maximum fine of €15 million on conviction on indictment and-or imprisonment for up to ten years. The upcoming circular economy Bill will also consider further changes to the fixed penalty notice system.

The Data Protection Commissioner provides guidance concerning statutory obligations placed on those using CCTV systems to collect personal data, and the rights and redress mechanisms available. My understanding is that the Data Protection Commissioner has written to the Minister for the Environment, Climate and Communications concerning data protection issues with the use of CCTV cameras for litter and waste enforcement processes. Her view is that the legislation provides local authorities with the power to prevent and investigate, and protect and prosecute littering and dumping, but do not provide for the processing of images taken by CCTV. That is currently being considered by the Minister and his Department.

**Deputy Mattie McGrath:** A number of driving instructors have begun a campaign to allow essential driving tests, EDTs, to continue during the extended level 5 restrictions. We know how long that will go on for. They are also trying to set up their own union. Currently only essential workers who have been allocated driving tests are allowed to do the pre-test lessons. Surely if it is safe for one cohort of essential workers to do their lessons, it should be safe for them all, including the compulsory 12 EDT lessons. Another group of non-essential workers is awaiting tests and EDT lessons, and a further group is awaiting theory tests and driver licences. Will the Government consider changing the legislation to allow for EDTs and normal driving lessons to resume for essential workers? There will be an enormous backlog - there already is - at the end of the pandemic and these driving instructors need to be supported.

**The Tánaiste:** I thank the Deputy. I am sympathetic to the case he is making. I am not an expert in the area by any means. It is such a shame when we had got on top of the backlog of driving tests that we now have a very big one again. It limits people's freedom and their ability to take up employment. Later I will speak to the Minister, Deputy Eamon Ryan, and the Minister of State, Deputy Naughton, to let them know that the Deputy has made some suggestions in this regard.

**Deputy Thomas Pringle:** Arkle Resources has an exploration licence for lead deposits in Inishowen. It has continued to work during the level 5 restrictions. Does the Tánaiste believe that is appropriate? The licence is up for renewal on 10 April. Will he instruct the Department not to renew that licence given that it has continued to work? It is also affecting a special area of conservation, namely, the Magheradrumman Bog SAC.

**The Tánaiste:** The company may only continue to carry out those works if it is exempted under the regulations. Without having the details in front of me, I cannot say whether it is exempted. Obviously, it can only carry out that work if it is exempted under the public health regulations. The extension of the licence which flows from the Deputy's question would depend on the answer to that question and will be a matter for the Minister, Deputy Eamon Ryan.

**Deputy Chris Andrews:** In 2015, an amazing, young, bright, lovable individual, Lorcan O'Reilly, was stabbed to death not too far from here in Dublin's inner city. Many steps need to be taken to tackle the rise in knife crime throughout the city and that needs to start with dialogue with the families most affected by this brutal crime. The Minister for Justice has committed to engaging with Lorcan's mother Jenny. I ask the Tánaiste to ensure the Minister for Justice keeps this commitment and engages with Lorcan's family, and puts in place any resources needed to tackle knife crime.

**The Tánaiste:** I thank the Deputy. I am sure the Minister for Justice, Deputy McEntee, will want to honour any commitment she has made on the matter. We all extend our condolences to the family. As the Deputy will appreciate, knife crime is a complex issue. He will be familiar with some of the studies from London and Glasgow as to which actions can help and which ones do not. It requires a response that is not just about criminal justice but is also a comprehensive social response. I know that the Minister has been apprised of that.

**Deputy Thomas Gould:** Tragically, another man who was sleeping rough has passed away on the streets of Cork. I send my sincere condolences to his family and friends on his passing. Shockingly, we have no way of knowing the number of people engaging with homeless services who passed away either in Cork or nationally because there is no database. The Minister has confirmed this to me. Without the full figures and without knowing the circumstances of these people, we are unable to put in the supports necessary to prevent people from dying on the streets. We need more shelters with wrap-around services to protect them. Will the Tánaiste ask the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, to put in place a regional executive to collate these figures so that we can protect homeless people and try to prevent this from happening?

**The Tánaiste:** I am also very sorry to hear about that man's passing. I know the Minister is already aware of the issue. Having more accurate and up-to-date data on people who are in touch with homeless services would be very useful. As the Deputy knows, people who are homeless, just as people who are not, die for all sorts of different reasons. Having more information on that and the precise cause of death would be useful to everyone.

**Deputy Johnny Mythen:** As the Tánaiste is aware, IVF treatment is provided through private practice. I have been contacted by couples in Wexford who are very concerned about this issue. We know that the most precious resource in any country is its children. We know that one in four couples struggles to start a family. However, IVF costs at least €5,000 and up to €9,000 with add-ons, which puts financial strain on many couples who are desperate to begin a family. Is the Government willing to subsidise at least three cycles of IVF? Would it be possible to include this in the next budget? What has happened to the €3 million that was supposed to have been set aside by the then Minister for Health, Deputy Simon Harris, for this purpose in 2017?

**The Tánaiste:** IVF treatment and assisted human reproduction treatment are tax deductible at the standard rate and most of the medicines people may need to help them in their treatment are covered under the drug refund scheme. That still leaves couples bearing a very large cost if they need to avail of IVF services. Money has been set aside to help people with the cost of IVF, to do it through the public system. The last I heard was that it was the strong view of the Department of Health that we should introduce a law regulating this area first because this treatment is not regulated in Ireland at the moment, which causes significant difficulties. The view is that the legislation should be brought forward giving us a clear law on what is allowed

and what is not, and then fund treatment on that basis.

**Deputy Patricia Ryan:** Page 112 of the programme for Government states that the Government will honour Ireland's commitment to recognise the state of Palestine. Last month, Israel issued tenders for 2,500 new settlement homes in the occupied West Bank and east Jerusalem. The Palestinian Authority President, Mahmoud Abbas, has condemned the decision to build new settlement units and said the Israeli Government is racing against time to eliminate any remaining possibility of a two-state solution. All Jewish settlements in the West Bank are regarded as illegal under international law and by much of the international community. When will the Government fulfil its promise to recognise the state of Palestine?

**The Tánaiste:** If I remember correctly, the programme for Government commits to recognising the state of Palestine as part of a two-state solution. We want to see a two-state solution, ensuring the security and longevity of the state of Israel and also allowing a state of Palestine to be established, with a control over the West Bank and Gaza as well. That has not yet happened but it is a matter in which the Minister for Foreign Affairs has an enormous interest and we will be using our position on the UN Security Council this year and next year to try to advance a peace settlement in that region.

**Deputy Michael Moynihan:** I want to ask the Tánaiste about the commitments in regard to agriculture and rural communities. Following on from the announcement of the Kerry Group in regard to job losses in Charleville and Naas, particularly the outsourcing to third countries, has the Tánaiste as Minister for Enterprise, Trade and Employment, or his Department, been in contact with the Kerry Group in regard to those job losses? The concern locally is that this is only the thin edge of the wedge. Can the Tánaiste provide an assurance that his Department will liaise with the Kerry Group to ensure there is not large-scale job losses or outsourcing of employment within the Charleville factory?

**The Tánaiste:** I thank the Deputy. I have not been in direct contact recently with the Kerry Group, but my Department has and the information we have is that this is a consolidation exercise between Naas and Charleville and that redundancies will be voluntary rather than compulsory. I am alarmed to hear the Deputy's suggestion that, perhaps, job losses of a larger scale may be mooted. I will ask my officials to check with the company and I will come back to the Deputy with more information when I can.

**Deputy Paul Donnelly:** I wish to raise an issue that I was aware of in my previous role but heard about again on the "Today with Claire Byrne" programme. Sarah was viciously attacked in her own home and suffered physical and emotional trauma. As part of her healing she attended counselling and, as happens in these sessions, she spoke her deepest thoughts and feelings in regard to what was going on for her. She was then forced to hand over the notes from her counselling sessions in regard to the trial of the person who attacked her. To rub salt into the wounds, she had to pay for those sessions while those who perpetrate such attacks can access counselling free of charge. Will the Tánaiste give a commitment that this issue will be addressed in any changes to legislation proposed in the programme for Government. It is deeply concerning that people are forced to hand over their counselling notes to a defence.

**The Tánaiste:** I thank the Deputy. I am sorry to hear about Sarah's experience. I caught a tiny bit of the interview on the radio this morning, but I did not hear it in its entirety. I will listen back to it in order that I can understand it a bit better. I do not know the details but I do know that conversations between therapists and, for example, doctors and clients are privileged

and confidential. Maybe that is not always the case with counselling services. The Minister for Justice, Deputy McEntee, is signalling to me that she would like to come in.

**Minister for Justice (Deputy Helen McEntee):** On that issue, following on from the publication of the O'Malley report last year we have published an implementation plan, part of which is supporting a victim's journey. The key focus is to make sure that we support victims through what is an extremely difficult and traumatic experience, as outlined by the Deputy. There are a number of recommendations and actions, one of which is engagement with An Garda Síochána and the HSE to look at the process around counselling records and to make sure it is done in the most appropriate, efficient and effective way, as well as in a way that supports the victim more. This is very much part of the plan and it is something of which I am very conscious.

**Deputy Richard Bruton:** The Covid crisis has demonstrated the need and opportunity for radical reform in education, further education and higher education. I ask the Tánaiste to make a world-class apprenticeship platform a key part of the recovery plan post Covid. We need to stop blaming parents as hampering the development of apprenticeships. As Gaeilge, cá bhfuil an fhís chomhpháirteach le haghaidh an phrintísigh? Where is the collective will to provide equal esteem for apprenticeships? We do not have a system where the senior cycle allows people to develop a portfolio leading to apprenticeship, we have no Central Applications Office, CAO, in respect of apprenticeships, no quota from the public service for apprentices and no collective agreements incorporating apprenticeships. We need to inject urgency into the glacial reform of the leaving certificate and to put lead into the pencil of the Minister for Further and Higher Education, Research, Innovation and Science., Deputy Harris, and the Minister of State, Deputy Niall Collins, because without that, we will not deliver this programme.

**The Tánaiste:** I thank the Deputy. I know this is an issue that the Minister, Deputy Harris, and Minister of State, Deputy Niall Collins, are very interested in and committed to. We are in the process of a major overhaul of the apprenticeship system, creating more apprenticeships, different types of apprenticeships and also, from my side, helping to encourage employers to take on more apprentices. We want to increase the number of apprenticeships to 10,000 every year, which would be significant. We need apprentices because the areas in which they are trained, particularly construction, crafts and so on, are essential. We need more younger people taking up careers in those areas and we are going to push for that in the next few years.

**Deputy Marc Ó Cathasaigh:** I want to raise with the Tánaiste the reconfiguration of services in the children's disability network. I have met a number of parents from Tramore and the outskirts of Waterford city who have been recently informed that their children's services, for example, occupational and speech and language therapies, have been moved from Waterford city to Dungarvan. The Tánaiste knows the geography of County Waterford better than most people here. It is quite a distance to travel from Tramore to Dungarvan. These people are more used to accessing their services in Waterford city. Many of the children are attending special schools in Waterford city. In the current situation, if they have to attend services during school time, they will have to be picked up in Waterford city and ferried to Dungarvan and back again, which means they will miss three-hours plus of their normal school day. There may be parents who are reliant on public transport. The Tánaiste will know that public transport from Tramore into the city is fine. Will the Tánaiste work with the Minister of State with responsibility for disabilities, Deputy Rabbitte, to reach a common sense solution for these reconfigurations?

**The Tánaiste:** I thank Deputy Ó Cathasaigh for raising this important issue. I am not familiar with all of the details but I can understand how that could be a significant problem. Getting

from Waterford city to Dungarvan is not easy if one does not have a car and it takes a lot of time in any event. I will raise the issue with the Minister of State, Deputy Rabbitte, and let her know that the Deputy raised it here in the Chamber and I will ask her to engage with him directly on it. I am sure she will want to do that.

**Deputy Réada Cronin:** I want to raise with the Tánaiste the case of a constituent in Kildare North, who is a young healthcare worker in the HSE and one of the heroes on the front line. She recently discovered a lump and visited her doctor, who told her to have it investigated immediately. When she asked her employer, the HSE, for time off to do so, she was refused. How can it be that somebody who is working on the front line, giving her all in this battle against Covid, cannot be treated in a time of acute need? NPHET is advising people not to delay seeking health services, yet the HSE is treating its employees in this way. What is the plan to address this shameful, shocking treatment?

**The Tánaiste:** I thank the Deputy. One of the real improvements in healthcare in Ireland in recent years has been rapid access diagnostics for cancer, particularly when it comes to breast cancer. I do not know the details of the case the Deputy raised but I would expect any employer, particularly a public sector employer, to give someone the necessary time off to attend a cancer investigation appointment. If the Deputy wants to send me the details or to send them to the Minister, Deputy Stephen Donnelly, we will look into the case and see what we can do.

**Deputy Claire Kerrane:** I want to ask the Tánaiste about time lost on the community employment, CE, Tús and the back to work enterprise allowance schemes. Many participants have lost time in regard to normal training opportunities and work experience that would be a big part of those schemes because of Covid. While I appreciate announcements have been made by the Minister for Social Protection, Deputy Humphreys, in regard to community employment in particular, as current participants have lost time and have not had all the benefits of these schemes due to Covid, will an extension be considered for them?

*1 o'clock*

**The Tánaiste:** I will have to take that matter up with the Minister for Social Protection, Deputy Humphreys, and ask her to get back to the Deputy with a more detailed reply. I imagine the intention will be to enable people to catch up on any lost time or lost training that they missed out on due to Covid. At the same time, that has to be balanced with the need to have a churn of people coming on and off schemes in order that other people get those opportunities as well.

**Deputy Duncan Smith:** For many of us, life will return to some form of normality when restrictions ease. For those with profound mobility issues, however, it will not make much of a difference because their lives were the same before the Covid crisis. They live a life of permanent 5 km, or even tighter, restrictions. Acknowledging that there are only 15 changing places toilets in Ireland, the Minister for Housing, Local Government and Heritage made a commitment to Senator Wall in the Seanad in December that a working group would be created to discuss this issue and that this group would meet within a week. Has that proposal been brought to Cabinet and is there any update on it? Major public consultations are taking place on plans for the Phoenix Park and other public places. We need changing places toilets to be rolled out across the country, in existing facilities and in new ones. I would appreciate priority being given to this issue by the Government.

11 March 2021

**Deputy Michael Collins:** I fully agree with Deputy Duncan Smith. I raised this issue with the Taoiseach in the House three or four months ago with reference to facilities in County Cork and throughout the country. The number of special disability toilets in Northern Ireland is double if not quadruple the number in the Republic. The lack of provision is not fair. There are people travelling hours with a person with a disability and there is nowhere they can take that person. When will we be in a position whereby disability toilets are freely available throughout County Cork?

**The Tánaiste:** I thank the Deputies for raising this issue. To my recollection, it has not been brought to Cabinet but I will follow it up with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, and ask him to provide the Deputies with a more detailed response.

**Deputy Bernard J. Durkan:** The general data protection regulation, GDPR, seems to be cropping up with increased frequency in public administration, most recently in the context of the debate on the report of the commission on mother and baby homes. It has also arisen in regard to the processing of medical cards. There appears to be an urgent need for a definition of precisely what falls within the scope of this regulation. Will the Tánaiste ensure that this be considered as a matter of urgency?

**The Tánaiste:** We are all grappling with the appropriate use of the GDPR in our work as Deputies and Ministers. I know that people working in public administration and business feel the exact same. The more clarity we can provide for people the better. If there is a specific aspect of the regulation that the Deputy has in mind, perhaps to do with medical cards, and he wants to give me more details later, I will be happy to check it out.

**An Leas-Cheann Comhairle:** I started out with a long list of Deputies wanting to speak and we have run out of time. There are seven people left. If the Tánaiste is willing, I am prepared to go through them all very quickly but they will not have a minute each. If Deputies are ready to ask their questions as quickly as they can, I will call those who remain on the list. I am asking Deputies just to put their question and no more. Is that agreed? Agreed.

**Deputy Ruairí Ó Murchú:** The Irish Cancer Society is asking for car parking fees to be waived for those receiving cancer treatment. I received notice from the Department of Health pointing out that the programme for Government contains a commitment in respect of introducing a cap on the maximum daily charge for patients and visitors at all public hospitals, where possible-----

**An Leas-Cheann Comhairle:** The Deputy has put his question.

**Deputy Dessie Ellis:** On the same subject, the programme for Government includes an undertaking to look at putting caps on parking fees in public hospitals for patients, their families and visitors. Will the Government not consider abolishing such charges altogether? People are frustrated and find it very unjust-----

**An Leas-Cheann Comhairle:** I am only allowing Deputies to put their questions. I do not mean to cut people short but I ask that they just put their questions. We are way over time.

**The Tánaiste:** I thank the Deputies. I am certainly sympathetic to the proposal that car parking should be free for cancer patients. Everyone in this House would be sympathetic to that, although it raises the obvious question of what should happen for people receiving treat-

ments for illnesses other than cancer. Why would they have to pay and others would not? There would be an inequity in that which would have to be considered. We also need to bear in mind that not all car parks are owned by the hospitals. Some are privately owned and operated and, in some cases, parking charges are there to make sure people do not use the car parks for commuting purposes or to access nearby bus or train stations. All of those issues need to be considered in the round but the Government plan is to bring in a cap on the fees.

**Deputy Jackie Cahill:** National Broadband Ireland is tasked with the roll-out of high-speed fibre broadband to most rural parts of the country. There are people living in townlands in County Tipperary who have been told that it will be two or three years before their areas are even surveyed. They will then be looking at a similar timeframe before the network is rolled out in their areas. I acknowledge that this is a complicated process that will take time. However, surveying these areas can surely be done in a faster timeframe than three years or more. I am calling on the Government to direct National Broadband Ireland to hire more employees to carry out these localised surveys in order that rural areas can look forward to having broadband in a far shorter timeframe.

**The Tánaiste:** I thank the Deputy. I met with representatives of National Broadband Ireland last week to raise these issues with them. I know Deputies raise them all the time. We all support the national broadband plan, or at least we all do now, and we all want to see it rolled out as quickly as possible. However, even with the best will and the best intentions, there are technical difficulties. It is a project that will take five to seven years. Approximately 100,000 homes, farms and businesses will be connected every year. We are exploring with National Broadband Ireland and Eir any means possible to speed that up but, as with any big project such as this, it cannot all be done in one year or even two.

**An Leas-Cheann Comhairle:** There are three speakers left. I again ask that they confine themselves to putting their questions.

**Deputy Martin Kenny:** The issue I want to raise is in regard to home help services in the north west. Many elderly people receive that service and benefit from it. However, during the Covid period, as we know, people looking for respite in a nursing home cannot get it as they normally would and are applying for community respite. I have one constituent - there are many people in the same situation - who has sought community respite but cannot get it. There has been no effort made by the HSE to recruit additional people to provide that service. This particular person has been allocated ten hours per week but can only be provided with four.

**An Leas-Cheann Comhairle:** The Deputy has put his question.

**Deputy Martin Kenny:** This is an issue that needs to be dealt with as quickly as possible.

**The Tánaiste:** The Deputy has raised an important issue that requires a response. I will have to ask the Minister of State at the Department of Health, Deputy Butler, to make contact with the Deputy and give him a response. Unfortunately, I do not have any detail on it.

**Deputy Jennifer Murnane O'Connor:** I want to raise the issue of headstones. I have been contacted by people in Carlow who are looking to have headstones placed on the graves of loved ones but who are experiencing difficulties in so doing. Particularly this year, it is a very sensitive issue. My understanding is that some local authorities are allowing it and others are not. I am just asking for guidance on this matter. No one wants to break the level 5 restrictions but it is important that people who are grieving are allowed to get this work done.

11 March 2021

**The Tánaiste:** I think that work is allowed and is exempt from restrictions. I will double check and find out for sure.

**Deputy Brendan Griffin:** I want to raise the issue of the urban regeneration and development fund. There was disappointment in some towns this week following announcements that were made. I want to emphasise how important it is, in my own constituency, that Tralee and Killarney would receive positive outcomes. There have been multimillion euro applications made by both towns. Our county has been hit the hardest of all counties in Ireland by the Covid crisis. Now more than ever, these towns need help. I urge both the Taoiseach and Tánaiste to ensure they receive positive news when the outcome of the applications are announced later this month.

**The Tánaiste:** I will let the Minister for Housing, Local Government and Heritage and the Minister of State, Deputy Peter Burke, know of his suggestions and his strong support for the projects being put forward by Tralee and Killarney. As it is often the case that only one project in a county can be funded, I will not ask the Deputy to suggest whether it should be Tralee or Killarney. I am sure both are of equal merit.

**An Leas-Cheann Comhairle:** I thank the Tánaiste and Deputies for their co-operation. We got through the list.

I have received a note from the Chief Whip's office indicating that the Taoiseach wishes to make a statement to the House.

### Statement by An Taoiseach

**The Taoiseach:** I would like to congratulate the Minister for Justice, Deputy McEntee, and her husband, Paul, on the news that they are expecting their first child in May. Is ócáid speisialta í sin i saol an Aire agus a fhear. Gach dea-ghuí orthu. It is a special time in their lives and they have all our best wishes.

The Minister and I agree that she should of course be entitled to access the same full period of six months' maternity leave as any other public servant. Like any other woman, she should be afforded every opportunity to continue in her role and to pursue her career in accordance with her own wishes. The Government has agreed an approach that upholds the core principles of equality while also operating within the current legal framework, which is based on completely outdated assumptions and attitudes in this area. The Minister will therefore take paid maternity leave from her role for a period of six months with effect from 30 April. The Minister will remain a member of the Government without portfolio for that period. She will be provided with the necessary administrative supports to carry out any limited duties that may arise.

The Minister for Social Protection, Deputy Humphreys, will be assigned responsibility for the Department of Justice for the period from 1 May to 31 October. The Minister of State, Deputy Hildegarde Naughton, who attends Government meetings, will be assigned as Minister of State at the Department of Justice for the same period. This assignment will be in addition to her current responsibilities at the Department of Transport. The Minister of State at the Department of Justice, Deputy James Browne, will continue in his current role. There will be significant delegation of functions to the two Ministers of State in order to ensure a more balanced workload for this period. Deputy McEntee will resume her role as Minister for Justice

on 1 November.

Finally, I believe this illustrates one more the absolute requirement for permanent reform in this area to ensure fully equality for all public representatives and the need to introduce maternity and paternity leave for councillors, Senators, Deputies and Ministers. We want to make sure that having a family is in no way in conflict with pursuing a career in public life. That will require legislative change or possibly constitutional change. These matters are under active consideration by the relevant Departments and also by the Citizens' Assembly on gender equality. It will also involve consultation and engagement with Members of both Houses of the Oireachtas. The Government will bring forward proposals for reform in the coming months after the Citizens' Assembly on gender equality has produced its report, but be assured that we will deliver ambitious reform in this area in line with our programme for Government.

Is cinneadh tábhachtach é seo a léiríonn toil an Rialtais ré nua a thabhairt isteach maidir le cearta ban agus cearta sibhialta go ginearálta, go háirithe i saol polaitíochta na tíre.

**An Leas-Cheann Comhairle:** Some speakers are indicating. I will allow a speaker from each group. I see Deputy Bríd Smith has indicated. There is no one from Sinn Féin. We will hear first from Deputy Duncan Smith of the Labour Party.

**Deputy Duncan Smith:** I welcome the Taoiseach's contribution and I wish the Minister for Justice and her husband well for her maternity leave. This is not only an important moment for her personally and for her family but it is, and should be, an important signal to every expectant and future mother in terms of what this country will be doing on maternity leave for all and to ensure that everyone has entitlement to it. This is important and it has our full support. My thanks to the Taoiseach for his statement and we wish the Minister for Justice all the best.

**Deputy Bríd Smith:** We would like to wish the Minister for Justice all the best as well. It is a great moment in life for her. It illustrates the fact that women's participation in politics is made difficult by the structures in the system and they absolutely have to be changed. We have several councillors who have been impacted by this. That also has to be taken into consideration.

Will the Taoiseach clarify who will be filling in? Will the Minister for Social Protection be doing two jobs, involving the Departments of Social Protection and Justice? It strikes me that this would make neither job especially well looked after in the context of two major portfolios. Is that the intention? It was not clear from what the Taoiseach said whether the Minister for Social Protection will be moving to the Department of Justice and leaving her current Department. Will she cover both? Will the Taoiseach clarify the position, please?

**Deputy Martin Kenny:** I wish the Minister for Justice all the best for the coming months and every success in the future. I know that the work around this is urgent and it is not only because of the circumstances that have come up for the Minister. Throughout political life we see so many structures have been in place from a time when the world was dominated even more by males than is the case now. That must come to an end. We need to bring in a regime that has at its core equality and ensure that everyone, regardless of gender, has equal opportunity to fulfil everything they need to do with regard to political life. I wish the Minister all the best in the coming months.

**An Leas-Cheann Comhairle:** Deputy Fitzpatrick will speak on behalf of the Regional Group.

11 March 2021

**Deputy Peter Fitzpatrick:** I worked with the Minister for Justice for eight years when I was in Fine Gael. In fairness, she is a fantastic worker. I wish her and Paul the best of luck. I commend the Taoiseach on letting the House know as soon as possible the position with regard to the Minister taking leave.

What Deputy Bríd Smith said is important. It is important that we define the job the Minister for Social Protection will do. In fairness, having two senior roles could dilute the service. I would appreciate if the Taoiseach could explain exactly what will happen when the Minister for Justice goes on maternity leave.

**An Leas-Cheann Comhairle:** Deputy Catherine Murphy will contribute next. To be fair to the Deputy, the Taoiseach has made an announcement on the situation.

**Deputy Catherine Murphy:** I heard it in the office. I wish the Minister for Justice well. It is interesting that it is only when real situations arise that we make changes or work towards making changes. I believe we have to anticipate things in future if we are going to have greater diversity and include women in politics in a real and meaningful way. It has to happen at council level as well as in the Dáil. I wish the Minister well.

**An Leas-Cheann Comhairle:** That completes the comments. Does the Taoiseach wish to come back in to clarify the matter?

**The Taoiseach:** As I said, the Minister for Social Protection will be assigned responsibility for the Department of Justice. However, she will also remain as Minister for Social Protection and for Rural and Community Development. As I also stated, the Minister of State, Deputy Hildegard Naughton, who attends Government meetings and who has responsibility as Minister of State at the Department of Transport, will also be assigned as Minister of State at the Department of Justice. There will be significant delegation of functions to the two Ministers of State, Deputies Hildegard Naughton and Browne, at the Department of Justice to ensure a more balanced workload for the period.

### **Petroleum and Other Minerals Development (Amendment) (Climate Emergency Measures) Bill 2018: Referral to Select Committee**

**Deputy Bríd Smith:** I did not realise I would have to speak to this.

**An Leas-Cheann Comhairle:** The Deputy must formally move the motion. She has given notice in this regard.

**Deputy Bríd Smith:** I move:

That the Bill be referred to the Select Committee on Climate Action pursuant to Standing Orders 95(3)(a) and 178(1).

Question put and agreed to.

### **An Bille um Cheathrú Chultúir 1916, 2021: First Stage**

**An Leas-Cheann Comhairle:** I do not know what the translation of the Title is. B'fhéidir

go mbeidh an Teachta Ó Snodaigh in ann aistriúchán a thabhairt air sin.

**Deputy Aengus Ó Snodaigh:** I move:

That leave be granted to introduce a Bill entitled an Act to provide for the establishment of a body to be known as *Ceathrú Chultúir 1916 Teoranta*, to define its functions in relation to the preservation, restoration and management of the cultural historical quarter within the Moore Street Battlefield Area in line with the functions, aims and objectives set for it in this Act and to provide for connected matters.

Is “culture quarter” é.

Táim ag lorg cead an Bhille seo a thabhairt isteach sa Dáil ar an gCéad Chéim. Is é an rud atá i gceist sa Bhille seo ná ceathrú cultúir a chruthú sa cheantar sin atá leagtha síos ag an Ard-Chúirt mar shuíomh Pháirc an Chatha Shráid an Mhúraigh chun ní amháin caomhnú a dhéanamh ar an gceantar ach chun beocht a chur ann an athuair. Bheadh sé i gceist go mbeadh bord i gceannas chun a chinntiú go mbeadh fíis agus spiorad 1916 á thabhairt chun cuimhne in imeachtaí agus cur chuige na ceathrúna sin.

The Bill is similar in purpose and form to the current Minister for Housing, Local Government and Heritage’s Moore Street Area Renewal and Development Bill 2015. In introducing that Bill, he told the Seanad that the project was to ensure that “as the area is developed in the future it is conserved and preserved in order that we can be proud of it when we look back in ten years’ time and that we can say we did the right thing.” He also stated:

There should be no further commercial development work in the vicinity of this site or in the area. The strongest way to secure that is to designate it as a historical quarter.

If enacted, this Bill would demonstrate that we value Irish history, culture and the memory of those who died for Irish freedom and that we respect tourism and the economy by establishing a cultural quarter, An Cheathrú, in this area. An Cheathrú would be tasked with the preservation, restoration and management of the cultural historical quarter within the Moore Street battlefield area, which was designated by the High Court in 2016 as being the lands, buildings, streets and lanes within an area, including Moore Street, Henry Place, O’Rahilly Parade and Moore Lane, in which the 1916 Rising Volunteers travelled after evacuating the GPO. The National Museum has defined Moore Street as the most important street in Ireland for historical reasons. The Bill recognises that fact and ensures that the Minister would be required to issue a preservation order on the terrace and curtilage of Nos. 10 to 25 Moore Street, the GPO, the buildings known as the White House, the O’Brien’s bottling stores in Henry Place, and the lanes, streets and boundaries known as Moore Street, Moore Lane, Henry Place and O’Rahilly Parade. This area is a national monument of extreme importance.

It is opportune that the Bill is being introduced today because Moore Street is once again under threat of destruction and redevelopment in a manner that is not befitting such an historic monument. This time it is the British shopping centres owner Hammerson, which was virtually gifted the site by the National Asset Management Agency, NAMA, when Mr. Joe O’Reilly’s property empire crumbled. It is a strange world that the head of Hammerson Ireland worked for NAMA for a period. Destroying or partially destroying such an important site to make way for a commercial development is tantamount to historical and cultural vandalism and makes little sense.

11 March 2021

As well as confirming a permanent outdoor market within Moore Street, which is the oldest food market in Dublin, the Bill would, in developing a cultural quarter, reflect the ideals of the revolutionary men and women of the 1916 Rising, creating a hub of commemorative, cultural, artistic, musical, dramatic, historical, literary, poetic and Irish language activities. It is envisioned that An Cheathrú would help the transformation of the site into a living museum that would educate and prompt further research and study of the revolutionary vision and events of the 1916 Rising. The Rising brought together many strands of Irish society - nationalists, teachers, poets, artists, socialists, conservatives and workers, both skilled and unskilled. The events that took place on Moore Street and the surrounding battlefield area are key to the story of a momentous week, one that needs to be retold for the benefit of future generations through the creation of a living museum on the hallowed ground upon which people fought their final fight. The overall aim is to restore the area as much as possible to how it would have appeared in 1916 during the Easter Rising. Visitors would then be able to gain an understanding of what those involved experienced during Easter week and also learn about the momentous events that took place.

Tá sé tábhachtach dár n-oidhreacht go nglacfar leis an mBille seo agus go mbeadh an deis againn athnuachan agus athfhorbairt chuí a dhéanamh ar an gceantar in ómós dóibh siúd a bhí ann ag an am, don mhéid a tharla 105 bliain ó shin, don fhís a bhí acu, agus go mbeadh margadh buan ar an tsráid sin. Táim ag impí ar dhaoine ligean don Bille seo dul ar aghaidh go dtí an Dara Céim agus go ndéanfaimid é a achtú chomh tapa agus is féidir.

**An Leas-Cheann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Jack Chambers):** No.

Question put and agreed to.

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

**Deputy Aengus Ó Snodaigh:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

#### **Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 [Seanad]: Order for Report Stage**

**Minister of State at the Department of Justice (Deputy James Browne):** I move: "That Report Stage be taken now."

Question put and agreed to.

#### **Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 [Seanad]: Report and Final Stages**

**Minister of State at the Department of Justice (Deputy James Browne):** I thank Deputies for supporting the Bill. The contributions made and points raised have been very useful and I am grateful for the consideration Deputies have given the matter. The Bill, while short

and technical, is important legislation that will enable Ireland to give full effect to the directive on the fight against fraud on the European Union's financial interests by means of criminal law. Fraud against the EU's financial interests affects everyone and the Bill reflects an important update of Ireland's already strong regime against it.

Tackling economic crime and white-collar crime is a priority for the Government and An Garda Síochána. The Department published the findings of the Hamilton review group on 3 December 2020. As the Minister, Deputy McEntee, pointed out, these crimes damage the economy, breed cynicism in society and are a threat to our international reputation. The Department is leading a cross-government initiative to tackle these crimes and to ensure all agencies have the resources they need.

Bill received for final consideration.

**An Leas-Cheann Comhairle:** When is it proposed to take Fifth Stage?

**Deputy James Browne:** Now.

Question proposed: "That the Bill do now pass."

**Deputy Brendan Howlin:** As the Minister of State outlined, this is a short technical Bill that has garnered support across the House. However, as it relates to a very narrow set of circumstances, as was recognised during the debate, I believe we need wider legislation to deal with matters outside the remit of the Bill.

**Deputy Mattie McGrath:** I too am happy to speak in support of the Bill. I did so during its passage through the House. I welcome it. Deputy Tóibín raised an issue today but the Leas-Cheann Comhairle stopped him from pursuing it. She was correct in that regard because we must protect people. However, all is not well in the Department of Justice. I have been writing to the Minister of State, the senior Minister and the Secretary General about issues in the Prison Service but my letters have not even been acknowledged. Members of this House are elected representatives for the time being and we are thankful for that.

**An Leas-Cheann Comhairle:** The Deputy should address the content of the Bill.

**Deputy Mattie McGrath:** I accept that totally. I wanted to raise this issue because we elected representatives are not getting answers and that is very bad.

Question put and agreed to.

**An Leas-Cheann Comhairle:** A message will be sent to the Seanad acquainting it accordingly.

### **Criminal Procedure Bill 2021: Order for Report Stage**

**Minister of State at the Department of Justice (Deputy James Browne):** I move: "That Report Stage be taken now."

Question put and agreed to.

## **Criminal Procedure Bill 2021: Report and Final Stages**

**Deputy Martin Kenny:** I move amendment No. 1:

In page 9, between lines 25 and 26, to insert the following:

“(9) In respect of relevant offences to which this Act applies, where an application under section 3 of the Criminal Law (Rape) Act 1981 is made during a trial, having not previously been requested or notified at a preliminary trial hearing, the trial court must be satisfied granting any application is likely to—

(a) facilitate the expeditious and efficient conduct of the proceedings, and

(b) result in the least disruption to the jury and witnesses in the trial of the offence.”.

I will try to simplify the amendment. Section 6(8)(b)(iv) of the Bill provides that any order made under or pursuant to section 3 of the Criminal Law (Rape) Act 1981 must be addressed in the Bill. This issue relates to preliminary hearings. The language in the Bill suggests that, for instance, at a preliminary hearing of a serious sexual crime case a defence team could seek leave to cross-examine the witness or victim, depending on the term one wishes to use, regarding their previous sexual experience. All Members know that in many of these cases there may be issues around consent and so on which can be teased out. That may be appropriate in certain very limited circumstances but under the Criminal Law (Rape) Act 1981, the judge is obliged to be very cautious in that regard.

The O'Malley report suggested that one of two models be used in this regard. One of the models involves the intention to make such an application being notified at the pretrial hearing and then heard during the trial. However, the way the Bill is phrased suggests that such applications could be decided and happen at the pretrial hearing. If that were to be the case, one would have a situation whereby the victim in a sexual assault case would be the same as any other witness from the point of view of the law. The prosecution would prosecute the case, the defence team would defend and the victim would simply be a witness in regard to that.

I believe that in order to protect these persons, who in many of these circumstances are very vulnerable, every effort should be made to ensure that they have a voice. The Minister would recognise that one of the flaws in the system is that, too often, victims are simply treated as witness, have no voice or representation and find it very difficult. That is why many of them do not pursue rape or serious sexual assault claims. They feel they are simply lost in the system. Leaving aside the legislation that is before the House, there is more work to be done to consider and deal with that issue. The O'Malley report dealt with it in some detail. That is why Sinn Féin believes we should press the amendment.

Although the amendment does not deal directly with judges' decisions and cannot influence them in that regard, it does put extra emphasis on the particular point that the notification should be given in the pretrial hearing but the actual decision should not be made until the trial, at which stage there is adequate time to deal with the issue and ensure the victims in these cases do not feel subjected to, in effect, a double trial by virtue of being cross-examined at a pretrial hearing and then further cross-examined at the trial itself. That situation has occurred in certain other jurisdictions. We do not want people to be traumatised again in those circumstances and that is why I believe the amendment is needed. I tabled it on Committee Stage but withdrew it

with the intention of resubmitting it on Report Stage.

This is an issue that should be addressed. I hope the Minister will accept this small amendment, which adds a particular emphasis in respect of this issue. We will be pressing the amendment.

**Deputy Pa Daly:** I concur with the comments of Deputy Martin Kenny on our amendment.

Another amendment, in the name of Deputy Pringle, calls for a review of the operation of this Bill within three years of its enactment. The Bill introduces procedures that will facilitate the trial of white-collar criminal cases and anything that will facilitate, strengthen and encourage more cases against white-collar defendants will be welcome. I used to work in the criminal courts and often saw the charges with which some people in court were faced. For example, a person was charged with stealing an apple tart. A homeless man was charged with stealing a packet of ham from Tesco. Others, mostly young fellows, were charged with having in their possession a fraction of a gram of cannabis. All of those people had potential careers destroyed because of a criminal conviction, while other cases involving financial irregularities of up to millions of pounds and euro were never brought to court. It is time for the revelry enjoyed by people with vested interests to come to an end.

I congratulate the powerful lobby of the insurance industry on the successful campaign it has waged to convince nearly everybody in the country that the high cost of premiums is due to whiplash cases. No sooner had the judges left their Zoom meeting on Saturday morning than the insurance lobby was out again, stating that premiums will not come down this year. That is unfortunate but not unexpected because we have heard the same thing for the past 30 or 40 years, including when juries were eliminated and senior council removed from civil cases and the cost of premiums continued to increase. Even when the amount of claims went down by 45% and the cost of claims per policy went down by 9%, premiums over the past ten years rose by 35%. When, in the middle of the pandemic, the amount of claims collapsed, everyone in this House and everyone in the country with an insurance policy knows that the refunds they were given amounted to €20 or €30. It is time for leadership, not salesmanship, as someone once famously said, with regard to our attitudes towards these powerful vested interest groups in the insurance industry. We must take them on. Their revelry is over and we should be doing everything we can to facilitate more cases being taken against these powerful lobbies.

**Minister for Justice (Deputy Helen McEntee):** I apologise for not being here at the start of the debate; the previous Bill moved faster than I expected. I thank the Deputies for putting forward this amendment. This legislation is being introduced for a number of reasons, the first being to create greater efficiencies, particularly for jury trials. It is to create greater efficiencies in the swearing in of juries and the process and challenges that entails. It is to ensure, as recommended in the Hamilton report, greater efficiencies for trials around economic crime, fraud and corruption. The Bill is also specifically designed to support victims and vulnerable persons who are going through sexual assault and rape trials, as was clearly recommended in the O'Malley report. That report sets out a number of things that we want to do and, clearly, part of that is contained in the Department's implementation plan, Supporting a Victim's Journey. The intention is to make sure that we do everything to support the victim or vulnerable person as he or she goes through this process. That is what the legislation is for.

I fully appreciate and welcome the spirit in which this particular amendment is intended but, unfortunately, I have difficulties with how it would operate in practice. This amendment would

effectively mean that where the defence has not dealt with an application under section 3 of the Criminal Law (Rape) Act at a preliminary hearing, there would be only two circumstances in which the court could permit this particular issue to be raised. The first would be to benefit the expeditious and efficient conduct of proceedings, in other words, to make the running of a case more efficient in procedural terms. The second would be to help to avoid disruption to the jury and witness. The issue here is a very serious one because there may be valid circumstances in which it is simply not foreseeable at the preliminary stage that an application such as this would be needed. An example that I mentioned on Committee Stage is where new information that was not foreseen or known by either side comes to light in the course of a trial. That is only one example. One needs to be able to take into account the overall general interests of justice but also the emerging evidence piece. A court's hands would be tied by the imposition of restrictive reasons and we need to allow flexibility.

Having said that, there is a clear obligation to raise matters as early as possible in a trial process, as is set out in section 6(17) of the Bill. The whole intention of the preliminary trial hearing is that these issues are raised as early as possible. I have engaged with the Attorney General and the Director of Public Prosecutions on this matter and believe that we cannot risk compromising the right of the accused person to a fair trial. I fully accept the spirit in which this amendment is being made. The intention is that all of these issues would be raised at a preliminary trial hearing. I think that to be so restrictive as to the reasons it could potentially be accepted later on in the trial does not take into account the fact that things happen and new evidence emerges. That can often happen later on in a trial and, in the interests of justice, an application may need to be accepted at that time. I am sympathetic to the Deputies' position on this matter but those are the reasons I cannot accept the amendment.

**Deputy Brendan Howlin:** Most people in the House would be supportive of the intentions of the movers of this amendment. We were all deeply concerned at trials in the past, both here and in our neighbouring jurisdiction, where issues were raised at trial that most of us would regard as entirely extraneous and unacceptable to be raised in the conduct of a trial.

This particular legislation deals with trying to streamline the procedures of trials in order that as many technical and legal issues as possible can be resolved in advance of a jury being sworn in and the trial proper taking place. The intention is to streamline the entire process and avoid a situation where jurors are sworn in and are left waiting days on end for legal argument to be made while they are cocooned in a jury room. The rules that apply to that process must, obviously, be fair. I am mindful of enacting any legislation that, in the unfolding of events, has an effect that we did not intend. We will rectify one such defect when we turn to the Children (Amendment) Bill later today. That Bill proposes to amend the Children Act 2001, which was being interpreted in a way that was never intended by the Oireachtas to the effect that it is not possible to identify the dead victims of crime who are children. We are going to put that right. None of us involved in the enactment of that legislation in 2000 foresaw that interpretation could be made although, in plain English, it patently was possible.

My only concern about the amendment certainly does not relate to the intention behind it but applies to its outworking. If issues arise or information is made available in a future trial that was not available in the preliminary discussions and would have a real impact on the conduct and outcome of the trial, and interfere with fair procedures, we would not want any inhibition in law to an application being made at that stage. For that reason, I am minded to listen carefully to the argument made by the Minister. She might address the core intent of the movers of the amendment, which is to ensure that the issues which we regard as unacceptable cannot be

raised in preliminary hearings either.

**An Ceann Comhairle:** Does anybody else wish to speak?

**Deputy Mattie McGrath:** I too listened quite carefully to what the Minister said and I support the amendment. I agree with what Deputy Howlin said. I imagine that is true of any of us who have had experience of a jury trial. I thank everyone who does jury service because it is an onerous task. It is a fair and good system. Courts, and by extension jurors, can be held up for months. In most cases, people do not get remunerated while they are on jury service. Public service workers do, but those in the private sector do not. One can understand the reason for that, given that cases could last for 20 or 30 days or however long. There is an impact on jurors and their family life. People are restricted and must understand and accept the ground rules of jury service. Quasi legal issues should be tidied up and out of the way before a court sits because when a case commences a jury can be delayed. When juries are sworn in, they should be able to proceed without occasionally being sent home for two days or sent home on a Thursday and told to come back on the following Tuesday. People have lives to live, so it is very important that justice is done and seen to be done.

I support the amendment. In most cases a person is considered innocent until proven guilty. That is the most important part of a *prima facie* case, but jurors must be respected as well. Technical legal arguments can be involved and judges can adjourn to consult and get some guidance, for the want of a better word.

We also need to look at refresher courses for the Judiciary. I recall Deputy O’Dea talking about that a long time ago when he was a Minister of State in the Department of Justice. It is very important when a trial commences that it would be efficient and that there would be a clear understanding of the ground rules. The less room for equivocation or lack of clarity the better. We must be able to review legislation. Deputy Howlin referred to the Children’s Act, which we are amending now. There should always be a sunset clause or review date on legislation because, although there are people in here who are much more learned than I in this area, there can be unintended consequences. There must be a mechanism to review legislation after a settling in period. Goodness knows, six months or 12 months is a short time when it comes to issues concerning the Courts Service. We must make haste slowly. The amendments have been tabled for good reason and there is good support for them. I support the amendments.

**Deputy Catherine Murphy:** I will be very brief. The Bill is important for streamlining how the courts operate. There will be a significant reason for that because of the delays that will arise as a consequence of Covid. That is all the more reason for the Bill to be enacted. I am generally supportive of the sentiment behind the amendment, but I specifically want to hear what the Minister has to say on it. I agree with Deputy Howlin in that regard.

In terms of judges interpreting what the Oireachtas means, what the Minister says in the debate is really important because if judges are wondering how they should interpret something we give them markers. The Minister in particular gives markers on what is intended. It is important that this point is specifically addressed for that very reason. If the amendment is not taken, it may well avoid this problem arising in the first place, so it is really important that we hear that.

**Deputy Michael Collins:** I will be very brief. I support the amendments because they are made in good faith to ensure that the Bill is strengthened. As Deputy Mattie McGrath stated,

11 March 2021

everybody is innocent until proven guilty. Young people are sometimes convicted for small-time crimes. Crime is bad and many great community groups such as Business Watch are trying to help to fight crime. In no way do I condone crime, but many people's lives have been ruined because of a conviction from 20 or 30 years ago and they could have lived an excellent life after making a slip up. Anything that can help in any way to get young people back on track again and to show there is a way forward through a very difficult time would be welcome.

Previous speakers referred to insurance claims and difficulties with community and voluntary groups. It has been said that changes are coming, but they cannot come quickly enough. People are being penalised and massive amounts are being paid out on claims which results in terrible difficulties for the community and voluntary sector. I have seen some quite dubious claims going through.

Previous speakers spoke about juries being sworn in. I live in a rural community and many people there are getting called to Cork for jury service. While many like to do their duty for the State, it is an area that requires close scrutiny. People's employers do not want to let them go, as they cannot pay the costs that will be incurred while they are out of their employment. They may have to travel 70 or 80 miles in each direction and a case could go on for a long period. A case might be put off for a week or two and people's entire lives can be turned upside down when they get called for jury service. It is nearly worse than being asked to a wedding for a lot of people. The system must be examined and streamlined regarding how people are picked based on where they live geographically and the availability of transport to get to a court. It should not be a letter of terror when one is called for jury service. Close consideration should be given to how people are properly compensated and how their employer is looked after while they are off work.

I support the amendment. I hope we will be able to make lives a little bit different. Peace commissioners and commissioners for oaths must also be considered in any legislation that is introduced because they carry out an important service for people on a voluntary basis and nobody ever seems to compliment them or thank them for the work they do. I have often had to call on them through my office. They are often called out at night to fill in forms and they are not recompensed. Like jurors, that is an area that has been overlooked and it should come under the Bill we are discussing.

**Deputy Martin Kenny:** I take the Minister's point that if a pretrial hearing occurs, if the defence does not notify the court at that stage of evidence relating to the previous sexual conduct of a victim, witness or anyone else and the trial proceeds, that it is not appropriate for the defence to seek to introduce evidence at that point. We want to see that happening at the pre-trial stage. We say that if it does happen, it can only be done to facilitate the expeditious and efficient conduct of proceedings. The discovery of new evidence does not contradict that. I do not think anything would contradict it and, if anything, it would enhance it, bring more certainty and ensure that we get the right result and that people are aware they are not going into the process thinking that at the end of the day the defence can revert to a particular line of questioning without due process allowing for that to happen. This amendment is required to give that little bit of extra security for victims, in particular victims of serious sexual assault, and to ensure that the judge and those involved get a note on the interpretation of the legislation from this House.

*2 o'clock*

It is very clear what the intention is and what is on paper. It states it is to result in the least

disruption to the jury and witnesses in the trial of the offence. It does not mean that the court somehow ignores additional or new circumstances, evidence or discoveries that are made. I do not think anyone would interpret it that way, nor should they. Using that as an interpretation or means to block this amendment is unfair and I suggest the Minister reconsiders that.

**An Ceann Comhairle:** Is any other Member offering before I go to the Minister? I call on the Minister to respond.

**Deputy Helen McEntee:** I again want to thank the Deputy for putting forward this amendment. I appreciate the spirit in which it has been tabled, but unfortunately because the amendment, as proposed, specifically relates to ensuring there are greater efficiencies and avoiding disruption, in a sense it ties the hands of the court, in particular where issues arise where there is an interest of justice that needs to be looked at where emerging evidence has arisen.

It is always within the scope of a judge to accept or reject a request for this type of questioning. That is for a judge to decide. The intention of the Bill is that these types of issues would be dealt with at the preliminary trial hearing, do not have trials stopping and starting, do not have juries that have been sworn in having to be sent away and come back and do not have vulnerable persons and victims being retraumatised by having to start and stop a trial two, three or four times, something which often happens.

The Bill sets out very clearly what issues can be raised at the preliminary trial hearing. Section 6(7) sets out the number of matters the court may assess at the preliminary trial hearing.

Section 6(8) refers to amending or serving an indictment, providing for additional jurors, accepting evidence by written statement or formal admission applications, questioning victims about prior sexual history, providing for practical measures like allowing testimony from behind screens, allowing a witness who is in fear or is subject to retaliation or intimidation to testify via video link, anonymity for certain categories of witnesses, allowing evidence via video link by a witness outside of the State, leave to call an expert witness, whether to allow questioning about the private life of the victim where this is necessary or in regard to the trial allowing video link evidence, a relevant order, which is very much the crux of this Bill because it relates to the admissibility of evidence, or any other order that the court may make in the absence of the jury. A significant amount can, will and should be dealt with in the preliminary trial hearings.

Section 6(17) states:

Where an order referred to in paragraph (a), (b) or (c) of subsection (8) shall be required to be sought by the prosecution or the accused during the course of proceedings for an offence to which this Part applies, the party concerned shall so inform the trial court at the first available opportunity, in order to facilitate the court in making a decision as to whether or not to direct that a preliminary trial hearing in respect of the trial of the offence shall be held.

The Bill very clearly states that the intent is that any of the issues I have outlined would be brought to the court's attention as early as possible. They would then be dealt with in the preliminary trial hearing. It is very difficult for us to tie anyone's hands. The two issues Deputy Kenny outlined refer to terms like "efficient" and "least disruption". We have sought legal advice, and spoke to the Attorney General and DPP. The advice is that the amendment ties hands and it is not something we can do in this instance. I fully appreciate the intention behind the amendment. We are bringing in this legislation to support vulnerable persons, but we have to make sure that we get the balance right.

11 March 2021

**An Ceann Comhairle:** How stands the amendment?

**Deputy Martin Kenny:** I will press the amendment.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendment No. 2 arises out of committee proceedings.

**Deputy Thomas Pringle:** I move amendment No. 2:

In page 18, after line 37, to insert the following:

**“Review of operation of Act**

**19.** The Minister shall, not later than three years after the commencement of this Act, carry out a review of the operation of this Act.”.

This amendment is self explanatory. We had a discussion about it on Committee Stage. It states: “The Minister shall, not later than three years after the commencement of this Act, carry out a review of the operation of this Act” and that a report be laid before the House or whatever so that we could see how the legislation is performing.

On Committee Stage, the Minister said there is already a procedure in the Oireachtas whereby within a year of it being passed an Act is open to be reviewed. That is true. I had not received documentation at that time. I asked the Oireachtas how many Acts had been reviewed and what the procedure is. Interestingly, the Oireachtas was not able to give me a breakdown of the number of Acts that have been submitted for review. Either the information was not ready or was not in a format in which that analysis could be done.

A document was submitted to me. It was a report that was carried out for a presentation in London on post-legislative scrutiny of Bills and so on, which was very interesting. It makes a mockery of the 12-month review and is interesting for a number of reasons. It stated that while overall the post-legislative scrutiny process has been implemented in an *ad hoc* and unreflective way by Government Departments, which is damning in itself, some of the information that has been given in the reviews and documents is the type of information that could be readily obtained by Members of the Houses of Oireachtas through parliamentary questions. One could argue that is the way it should be, but the purpose of the review process is to get information about how an Act is working. The parliamentary question process may not be the appropriate way to tease out such issues.

Recommendations were made on the changes that might be useful and important. In one of the main recommendations it stated that while information about commencement and why certain sections have not been commenced is useful at the one-year point, overall the timeframe of the Government’s post-enactment report should be extended from one year to three years, with the option that for certain Acts, agreed between the committee and the Minister, the timeframe should be five years.

My amendment recommends that after three years a review would take place, which is what the library service recommended for legislative review. The Minister said this is already provided for, and this Bill will come under that timeframe. From that point of view, this is an important amendment. As the Minister outlined in her response to amendment No. 1, a lot of the information will make a real difference. This is an important Bill in terms of how sexual

offences are dealt with. The review of how the Bill is working will be important. It should be open to scrutiny and fully scrutinised. I would be very concerned that one year is not long enough and we will not be able to examine what has happened.

I may be wrong, but the tone from the Minister and all Government Departments seems to imply that if a Bill is passed today and the one-year timeframe is all we have that is all we are going to get. In her response to amendment No. 1, the Minister said a three-year period before a review would be too long and could not happen.

We cannot underestimate what the Department is trying to achieve, and it is important that things are done right. We need a system to ensure that things are being done right, and if changes are needed the legislation can be tweaked and things can be flagged in order that change can take place. That is why I have put forward the amendment and will press it.

**Deputy Brendan Howlin:** This is an important amendment. As an Oireachtas, over the past number of years we have looked very carefully at pre-legislative scrutiny. We put new procedures in place. We have a memorandum of understanding between the Oireachtas and Government on the processes to be carried out for Bills to be in order before they are published and go through Second and Committee Stages and so on.

I do not think we have been as proactive in respect of post-enactment scrutiny. We are about to amend the Children Act 2001. The outworking is something for which we need to have regard. On foot of the debate on this amendment on Committee Stage, I wrote to the Ceann Comhairle to table the existing standing order that Deputy Pringle referenced, Standing Order 197, which, on the face of it, requires all legislation to be scrutinised after 12 months. In fact, the level of assessment or scrutiny that has taken place is either non-existent or extraordinarily limited and thin. We need a fundamental re-examination of the entire mechanism relating to post-legislative scrutiny. While I certainly support the proposed amendment, it is a universal principle that we should apply to all legislation.

I understand that this matter has been tabled for the next meeting of the Committee on Standing Orders and Dáil Reform. We need to make preparations on how Standing Order 197 is being implemented in order that the sort of information being sought by Deputy Pringle would be readily available to every member of the committee and that a proper timeframe and appropriate mechanism and template for post-legislative scrutiny would be established and made a requirement for every Department. Enormous work goes into the preparation of legislation but it is almost as though once legislation has been dealt with and the commencement orders are signed, it is on to next business and we do not look in the rear view mirror at all at how the Acts that we pass impact on the lives of our citizens. This is an important and timely issue to raise.

I support the amendment in the context of this legislation. A three-year horizon is reasonable, I think 12 months would be too tight. I do not think that any complex legislation would have yielded worthy scrutiny in 12 months and certainly not a fundamental change in, say, legal procedure, which is what is envisaged in this legislation and which will change the way criminal proceedings are dealt with. Three years is reasonable as an initial period but it will take several years before all the intricacies of this are worked out.

There is another issue that in many items of legislation, the actual commencement of sections can take years. There are items of legislation that are enacted but that are never formally commenced. Members do not even know that either. If we pass legislation and send it to the

President and he or she, having adjudicated on it, signs it into law, we should know if it never actually becomes law because a Minister simply determines not to sign a commencement order for some section. These are the matters that need to be teased out in some detail. A fundamental principle has arisen in this regard and will merit a great deal of future scrutiny. In the interim, in the context of this legislation, the amendment deserves support.

**Deputy Catherine Murphy:** This is a good amendment. Particularly so this year, but it would be very difficult to argue that a period of 12 months would be sufficient in any circumstances. One cannot ignore Covid. It is unlikely that the courts will be back functioning properly until the end of the year at the earliest. That will only leave months to see if this is working with a very small number of cases arising to allow us to see what problems might arise. For that reason alone, this is a good amendment. It will take time before it is signed and procedures are put in place.

It should be the sponsoring Department that takes responsibility. As matters stand, annual reports would be very useful in the context of timetabling reviews. That is where the attention will be on watching the outworkings of things that were intended in a particular way and how it happens in practice in the courts. Often when we do something in theory, the practice it is very different. Some of that is because we tend to take a short-term approach to matters such as regulatory impact assessments. We need to look not only at the legislation but at how it is likely to be followed through on and whether the organisations or institutions, in this case the courts, have the mechanisms in place to allow it to work as intended, for instance if there is a need for more judges or there is a delay in the courts. It is a good amendment and I am persuaded to support it.

**Deputy Mattie McGrath:** I also support the amendment. The Minister's response was that the period will be one year. A day is a long time in politics, as is a week, but a year for the Courts Service could be minuscule. I have personal experience of being in and out of court. The Circuit Court in Tipperary only sits three times a year, when it sits for eight days in a fortnight. My case could not be dealt with in eight days so it was put off until the next sitting, and the next one and the one after that. It could have gone on for five years except that I demanded a special hearing and was fortunate to get it. A year in that context is nonsensical. We are dealing with sexual crimes and other heinous crimes. We all support the aim behind the Bill but I am shocked - not surprised - to hear what Deputy Pringle discovered when he made inquiries and the information Deputy Howlin garnered as a result of checking matters.

Legislation is dealt with here in good faith. There are amendments, people spend a lot of time on them, and there is pre-legislative scrutiny. The Ceann Comhairle noted this morning at the meeting of the Business Committee - he has done so at every meeting we have had this year - how there are requests to waive pre-legislative scrutiny and how important pre-legislative scrutiny is. As far as I can see, however, there is no post-legislative scrutiny. Once legislation is passed, parts of it may never be enacted. I was aware of that long before today. A Minister or his or her officials may not like certain parts of an Act and they would never have the statutory instruments or whatever signed to commence them. Gardaí are meant to understand the legislation. We have an understanding of the legislation we pass but it might not be enacted even after due process, going through the various Stages and being adjudicated on by the President, signed and prepared for the enactment orders to be made.

Deputy Catherine Murphy made an important point about this year. The year is gone - it is one year to the day since Covid's impact was first really felt here - and another six months will

be gone. The courts are not even sitting - they have very limited time on Zoom. When there is limited time, a trial could go on for five, six, eight or even ten years or it might never be heard. The Minister says that it has to go to the Uachtaráin and be signed but we have no idea and no way of tracing whether the various parts are enacted. We need a period of at least three years. The Minister said that five years is too long but I do not believe it is. There are cases that are languishing in the courts. A judge might ask well-informed barristers to indicate how long they think a case will take and they might say ten days. With sessions comprising only eight-day sittings in several regions three times a year, a case might never be heard. My case took 17 and a half days, so it would never have been heard. One would be in and out of court and then there is the cost involved and the delay in getting justice. The cost to me of that case, and to anyone who does not receive free legal aid, was enormous. It is a costly justice system.

It has been suggested that we have the avenue of parliamentary questions. We are ridiculed in sections of the media for asking, as they see it, frivolous parliamentary questions. There is a cost to the Exchequer associated with parliamentary questions as well, and they are quite onerous for Departments to answer. It is a nonsense to suggest going down that road. We have so many bodies, or quangos as I call them. We need some oversight of legislation once it has been passed and signed into law by the President - or not - and its outworkings. We should be told if parts of legislation are not enacted and given reasons for that. There must be some kind of annual report. That is a big job of work but we need oversight of legislation once it leaves the Oireachtas regarding how it is bedding in, whether it has been used and the outcomes. There are enormous challenges in this area. A year is wholly inadequate because, as I said, legislation may not be tested in the courts within a year or a case under an Act may not be heard within a year. That is a weak argument from the Minister. I know personally how a case can go on and on. There is a possibility that a court case could go on for ten years and never be heard. There have been such cases. We definitely need some sort of oversight, whether that means the legislation going back to the Joint Committee on Justice or wherever. I am not too interested in the creation of another quango, but we need some oversight of legislation once it has been enacted regarding how it is bedding in, whether there been many cases, if we have case histories and if good or bad precedents have been set. We need a review.

I return to what Deputy Howlin said about the Children Act 2001. We are amending that legislation today, some 20 years later. That is just too slow when we are dealing with crimes against children, heinous crimes, sexual crimes or any crimes for that matter. Justice delayed is justice denied. I am fearful that if this amendment is not accepted, the legislation will gather dust. Parts of it might be implemented but there may be parts that are not suited to officialdom or whatever. We are the representatives elected to make legislation and we are accountable to the people.

**Deputy Catherine Connolly:** I do not intend to use my full seven minutes. I support Deputy Pringle's sensible and practical amendment. If we are serious about learning from mistakes and processes, the least we can do is to make a review system fit for purpose. The cursory system in place after one year is not fit for purpose. I know more resources and finance will be involved, but it will be much cheaper in the long term to do something like what has been suggested in this amendment.

What comes to mind in this regard is the Assisted Decision-Making (Capacity) Act 2015. Six years later, we are still making people wards of court when the whole purpose of that legislation was to stop that awful process, which goes back to dated legislation. This is particularly important legislation concerning how a trial is run and how a victim is treated. I had mixed

views on the previous amendment and I heard the point the Minister was making in that regard. If that amendment had gone to a formal vote, I am not sure how I would have voted because I could see the argument from both sides. The very point being made in the Sinn Féin amendment should be part of the review in three years' time, when potential problems and difficulties have emerged and have been highlighted.

I was a member of the Joint Committee on Justice, Defence and Equality for a short time. The lack of ongoing reviews of existing legislation, whether after three or five years, was brought into acute focus in the committee. The legislation in question was the legal aid Act. The exact point now escapes me, but the lack of a proper review came into acute focus. Legislation either never became operative or very good sections of legislation were never used. If my memory is correct, *más buan mo chuimhne*, the issue was that there were not enough resources available for legal aid to allow a particularly positive section in the Act to be used.

I ask the Minister to look at this amendment because it is really sensible. I agree completely with Deputy Howlin and I will not repeat what he said about the Houses having pre-legislative scrutiny but no scrutiny of Acts after they have passed, or none that makes any sense.

**Deputy Martin Kenny:** I also support Deputy Pringle's amendment. What the Minister is saying is that this is a timing issue and three years is too long to wait. The argument has been well made that three years is probably the appropriate time to allow legislation of this nature to be enacted and work in practice for some time before assessing the workings of preliminary hearings.

A reassessment of what has been achieved by legislation of this nature would address issues similar to that raised in our amendment, for example, the practice of examining the previous sexual conduct of victims. Another issue, which was brought up earlier, concerns the counselling notes of a victim of sexual abuse. I refer to a situation where a person who has gone through a very traumatic experience has gone to a counsellor and the notes then become evidence which the defence can seek to see during the trial. I refer to whether that is appropriate and the issues in that regard.

Many of us will be aware that, as politicians, we often play the role of counsellors as well. We speak to people in a private capacity and assure them that conversations are very much within the four walls. In a formal counselling setting, that would certainly always be stressed. Yet, here we have in legislation a situation where counselling notes can be used in a trial. There are issues around all of that which means that an adequate review of the legislation in an appropriate time will be necessary. Deputy Pringle is correct that three years would be adequate to gather enough knowledge from practitioners in law firms and jurors to decide whether the legislation is working or what are its failings. We could consider what representations we might get from victims, many of whom feel left out of the process.

The suggestion that a year would be adequate does not stand up because few, if any, preliminary hearings will be up and running within a year to allow us to make a proper assessment. The three-year period is appropriate, and I suggest that under these circumstances the Minister reconsider her position and accept the amendment.

**Deputy Michael Collins:** I will be brief. I fully support this amendment. We talk about careful pre-legislative scrutiny of proposals here in the Oireachtas and that is certainly the way it should be. I have seen some cases where that has not happened, and that is unfortunate and

something which should not have been allowed.

In general, we must change the way in which some criminal proceedings are carried out. Many cases would not go before the courts if the local garda had been left in local communities. It is unfortunate that local gardaí were taken away from society. They lived in the local village and always nipped crimes in the bud. Those cases never got to the point of being heard in court.

A certain case in west Cork with national relevance has been going on for five or six years. That is scandalous. It is baffling, to say the least, to see the length of time that people are waiting for cases to go before the courts for a judgment. I will support Deputy Pringle's amendment.

**Deputy Jennifer Carroll MacNeill:** Regarding legislative development generally, of course we need a review procedure. I am not sure this Bill is the place to bring that in. We have a series of difficulties with our legislation, which make much of it generally impenetrable to people who need to access it and who do not have access to lawyers. It is even difficult for lawyers to read our legislation because of our dependence on textual and non-textual amendments and the way that we stick things into miscellaneous provisions Bills which amend completely different Acts. It is very hard for anybody to know what the law is on a given subject at any time.

The Law Reform Commission has put great effort into revised and annotated Acts and that project has gone some way in this regard. We have also had the statute law revision project, which has got rid of many Acts which were no longer relevant. A major textual body of work remains to be done on how we draft legislation, present it and make it accessible to people. The review of legislation needs to be part of that. Instead of the House accepting the amendment which, while appropriately highlighting the issue, will not solve it, could the Law Reform Commission be asked to develop a system through which appropriate reviews could be carried out? Perhaps that could be linked to the other issues of presentation to which I refer. For example, the Civil Partnership Act and Certain Rights and Obligations of Cohabitants Act 2010, or the Children and Family Relationships Act 2015, which succeeded and fixed the civil partnership Act in many ways, are extensive items of legislation that just refer to other legislation such as that relating to pensions, employment and adoption, and references to "child" are put into them. That has happened again and again and legislators have raised for many decades the way in which we present legislation. Nevertheless, it is not a body of work for the Bill before us but for the Law Reform Commission and the Department of Justice more generally. It needs to be done because it is making it difficult to access the law and to know what it is at any given time, but I am not sure that this legislation is the place for it.

**An Ceann Comhairle:** As someone who has needed to be completely agnostic on the two amendments before us, I nonetheless want to make some reference to the important points a number of Deputies have made, including Deputy Howlin on the issue of Dáil reform. He is someone who has contributed significantly to the process of reform. I think we would all consider the introduction in recent years of pre-legislative scrutiny to be one of the most important pillars we have put in place. The respective committees on Dáil reform during the previous Dáil and the current one have recognised that post-legislative scrutiny is essential and we want it to happen because it should exist in a developed and effective parliamentary setting. We also have to face the reality that we will have to radically restructure our working week if we are to find time in the Dáil schedule to do this essential work. The public interest demands that we do it.

**Deputy Helen McEntee:** I fully agree with most of the comments that have been made.

There is significant value in keeping our legislation under review. It is a crucial part of the process in ensuring that the laws we implement will impact and work for citizens as we intend them to. Deputies will be aware of the long history of this Bill, which has been drafted in close consultation with a number of key specific stakeholders, and it took considerable time to arrive at this proposal, one that is workable and legally sound. My concern, which is shared by others, is that mandating a formal review of the legislation after the proposed time could affect the embedding of the legislation and of practices provided for within it. Having said that, there is a one-year report system, although that should not be the only part of the review process. If reforms are needed post enactment on reports under Standing Orders, this should be a matter for the committee, not for legislation. As Deputy Howlin outlined, the Committee on Standing Orders and Dáil Reform is considering this. It is a wider issue that needs to be put on a more structural footing and to apply to all legislation.

I understand where Deputy Pringle is coming from but I will oppose his amendment because this legislation is particularly important and I want there to be flexibility. I want to ensure that before three years have passed, any problems with the legislation can be addressed, reviewed and amended, but putting a rigid provision in primary law may create a difficulty with that. I am satisfied the existing provisions and powers are sufficient without amendment, but I support the Deputy's calls for a more general review, which is needed. As Deputy Carroll MacNeill outlined, we should consider not just the review of legislation but also how we develop legislation, table amendments and pass legislation through the House. All of this could be examined through the Committee on Standing Orders and Dáil Reform.

**Deputy Thomas Pringle:** I acknowledge the Minister's comments. What she outlined in regard to the review of legislation needs to happen, but it will not happen today, tomorrow, next week, next month or even in six months. It might happen in a year's time. That is the reality. The legislation before us is very important and, if enacted properly and in full, will have a very significant impact on how people get justice and so on. It is well within the remit of the Department of Justice to review that within the three-year period.

I have much respect for the Minister but I do not think she actually believes the arguments she is putting up against the amendment. They do not make sense. She indicated it would be okay to provide for a review in 12 months but not in three years because a period of three years might delay the implementation of the Bill and how its practices take effect. The three-year period is intended to ensure that the review works and that, if problems arise, they will be dealt with and sorted out. That is it.

As was mentioned by other Deputies, the Children Act 2001 is being amended now, 20-odd years later. We do not want such a situation to happen again. My great fear is that the 12-month review provision will miss an awful lot of issues and we could be in the same situation again 15 or 20 years down the road. Obviously, I will not be debating it, but someone else will be looking to review it. We can avoid that by having a proper review system. There has to be such a provision in this legislation because if it is anywhere else, it will not happen quickly enough. We need to do the other work as well.

**Deputy Brendan Howlin:** I always listen carefully to Deputy Carroll MacNeill because she has great legal experience to bring to our debates, but it is a fact that we as an Oireachtas do not have a real focus on legislation once it has been enacted. We are the legislators; it is not somebody else's job. The statute law revision programme, which she referred to, was an *ad hoc* process I instituted at the request of the now Mr. Justice Humphreys. It was done on an *ad hoc*

basis with the co-operation of the then Attorney General to get rid of swathes of defunct law, but it should be a normal process embedded in our systems.

I know from the most recent Private Member's Bill I introduced, which thankfully has become law, that although one might present matters in simple language that is readable to most people, when it goes to Government it is put into legalese that is much more impenetrable. We need to reform that. The Minister and I have had this discussion. Law should be readable by everyone, not only by an elite corps of lawyers. All the issues that have been raised during this debate are important to ensure that we make law accessible, readable, understandable and relevant. Defunct law should be repealed and taken off the Statute Book, and the process of how laws are enacted should be reviewed to ensure they remain pertinent to the current time and do what was intended by the Oireachtas. The amendment will do no damage to the Bill by having it be reviewed in three years' time.

**Deputy Mattie McGrath:** I am disappointed that the Minister is not engaging properly with this reasonable request to ensure good legislation and, more important, to ensure that all legislation that has been passed will be subject to a timely review and timely reports. A period of one year is certainly not enough. All legislation must be accessible and must deal with what it was intended to deal with. Any unintended consequences should be erased and amended, without waiting 20 years to do it. I reiterate that that is justice delayed and justice denied. There are other Deputies with much more expertise in legal matters than I have because of their legal backgrounds. Some legislation that is passed is gobbledegook and no ordinary person could read it without some legal interpretation. It makes the law very unfavourably disposed against ordinary people who try to get justice in the courts in a plethora of areas.

I am disappointed that the Minister will not accept the amendment but I will not delay the debate any further. I will support Deputy Pringle's amendment. I wish the Minister well over the next six months. I also wish the Minister, Deputy Humphreys, the best. I just got the despatch letting me know that Deputy Humphreys is taking over. I do not know if she will be keeping her current responsibilities as well because the position of Minister for Justice is onerous and there is a lot of work to be done in that area. I wish her very well and Godspeed.

**Deputy Jennifer Carroll MacNeill:** I will just make a couple of quick points. Deputy Howlin is absolutely right about the statute law revision project. The work of Alma Clissman in the Law Reform Commission must also be noted. The commission has restated the law correctly and brought it up to date. There is a way to go even further. The law is presented but one can see all the amendments which have been made, these being colour-coded. This was done in England and Wales. There are also links to the Acts under which these amendments were made and to the statutory instruments. We are beginning that work now. The next step is to provide links to court judgments.

With regard to what Deputy Mattie McGrath said about the review and the Children (Amendment) Bill 2020, I am not sure that we would have caught this issue. The issue came to light in a hard case in which the director took a particular position. I do not know that, in reviewing the Bill, I would have caught that practical problem which I could not have foreseen when the Bill was being drafted and going through the House. Equally, I do not believe I would have had the insight to be able to catch that issue as part of a review process. The court, however, did and the Oireachtas is fixing the issue in question, as is appropriate. We will talk about that later.

There are other review mechanisms. I have done work in the area of judicial appointments.

I have constantly made the point that, although the Act establishing the Judicial Appointments Advisory Board was enacted in 1995, the Oireachtas committee did not take the opportunity to review the board's operation until 2016 and 2017. The board had never really operated as laid out in the Act. In fact, major changes had been made with no recourse to the Oireachtas. It operated completely differently from the way envisaged in the legislation and this was not even reported to the Oireachtas, which originally enacted the legislation.

These errors can go everywhere. I recall a judgment of the High Court in 2009 based on an application made under the Prevention of Electoral Abuses Act 1923 in respect of an incident relating to a politician. A court order was made on foot of this application but the section under which it was made had actually been repealed in the Electoral Act 1963. In that case, everybody got it wrong, including the judge, the lawyers and everyone else. It caused a whole new set of problems for all of the people involved. It just goes to show how badly the law had been presented that an error of that kind could be made in that court.

**Deputy Helen McEntee:** I stress that I agree with all Deputies in this House on the need to review the way in which legislation is monitored, reviewed and managed after its enactment. Until that is done, however, it would be inappropriate to specify that a review be carried out after three years, as this amendment seeks to do. The example of the Children's Act 2001 has been used. If that Bill had been reviewed after three years, I am not sure that the issue which has suddenly arisen in the last few months would have been identified. It is important that there be flexibility as this law is embedded. I appreciate that we do not have jury trials at the moment as a result of level 5 restrictions. We hope things will start moving as quickly as possible this year. Flexibility is required to allow us to monitor, adapt and change legislation when necessary, rather than through a specific review after three years. These are the concerns I have with specific regard to this legislation. It will not be fully embedded after three years. The impression might be given that these changes are temporary or that they will go away if one waits long enough. We need to continue to apply flexibility, particularly with regard to this legislation, which is important and which will be monitored and reviewed from the moment it is enacted. I fully agree there is a need for the Committee on Standing Orders and Dáil Reform to look at the general issue of post-enactment reviews of how legislation is being implemented and whether it is working. I fully support movement in that direction.

Amendment put:

<i>The Dáil divided: Tá, 54; Níl, 81; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Berry, Cathal.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Brophy, Colm.</i>	
<i>Brady, John.</i>	<i>Browne, James.</i>	
<i>Browne, Martin.</i>	<i>Bruton, Richard.</i>	
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	
<i>Cairns, Holly.</i>	<i>Byrne, Thomas.</i>	
<i>Canney, Seán.</i>	<i>Cahill, Jackie.</i>	
<i>Carthy, Matt.</i>	<i>Calleary, Dara.</i>	
<i>Clarke, Sorca.</i>	<i>Cannon, Ciarán.</i>	
<i>Collins, Michael.</i>	<i>Carey, Joe.</i>	
<i>Connolly, Catherine.</i>	<i>Carroll MacNeill, Jennifer.</i>	

*Dáil Éireann*

<i>Conway-Walsh, Rose.</i>	<i>Chambers, Jack.</i>	
<i>Cronin, Réada.</i>	<i>Collins, Niall.</i>	
<i>Crowe, Seán.</i>	<i>Costello, Patrick.</i>	
<i>Cullinane, David.</i>	<i>Cowen, Barry.</i>	
<i>Daly, Pa.</i>	<i>Creed, Michael.</i>	
<i>Donnelly, Paul.</i>	<i>Crowe, Cathal.</i>	
<i>Ellis, Dessie.</i>	<i>Devlin, Cormac.</i>	
<i>Farrell, Mairéad.</i>	<i>Dillon, Alan.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Donnelly, Stephen.</i>	
<i>Funchion, Kathleen.</i>	<i>Duffy, Francis Noel.</i>	
<i>Gannon, Gary.</i>	<i>Durkan, Bernard J.</i>	
<i>Gould, Thomas.</i>	<i>English, Damien.</i>	
<i>Guirke, Johnny.</i>	<i>Farrell, Alan.</i>	
<i>Howlin, Brendan.</i>	<i>Feighan, Frankie.</i>	
<i>Kelly, Alan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Kenny, Martin.</i>	<i>Flaherty, Joe.</i>	
<i>Kerrane, Claire.</i>	<i>Flanagan, Charles.</i>	
<i>Mac Lochlainn, Pádraig.</i>	<i>Fleming, Sean.</i>	
<i>McGrath, Mattie.</i>	<i>Foley, Norma.</i>	
<i>Mitchell, Denise.</i>	<i>Grealish, Noel.</i>	
<i>Munster, Imelda.</i>	<i>Griffin, Brendan.</i>	
<i>Murphy, Catherine.</i>	<i>Harris, Simon.</i>	
<i>Mythen, Johnny.</i>	<i>Haughey, Seán.</i>	
<i>Nash, Ged.</i>	<i>Heydon, Martin.</i>	
<i>O'Callaghan, Cian.</i>	<i>Higgins, Emer.</i>	
<i>O'Reilly, Louise.</i>	<i>Hourigan, Neasa.</i>	
<i>O'Rourke, Darren.</i>	<i>Humphreys, Heather.</i>	
<i>Ó Broin, Eoin.</i>	<i>Kehoe, Paul.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>Lahart, John.</i>	
<i>Ó Ríordáin, Aodhán.</i>	<i>Lawless, James.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Leddin, Brian.</i>	
<i>Pringle, Thomas.</i>	<i>Lowry, Michael.</i>	
<i>Quinlivan, Maurice.</i>	<i>Madigan, Josepha.</i>	
<i>Ryan, Patricia.</i>	<i>Martin, Catherine.</i>	
<i>Sherlock, Sean.</i>	<i>Matthews, Steven.</i>	
<i>Shortall, Róisín.</i>	<i>McAuliffe, Paul.</i>	
<i>Smith, Bríd.</i>	<i>McConalogue, Charlie.</i>	
<i>Smith, Duncan.</i>	<i>McEntee, Helen.</i>	
<i>Tóibín, Peadar.</i>	<i>McGrath, Michael.</i>	
<i>Tully, Pauline.</i>	<i>Moynihan, Aindrias.</i>	
<i>Ward, Mark.</i>	<i>Moynihan, Michael.</i>	
<i>Whitmore, Jennifer.</i>	<i>Murnane O'Connor, Jennifer.</i>	

11 March 2021

<i>Wynne, Violet-Anne.</i>	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Verona.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Noonan, Malcolm.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Brien, Joe.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connor, James.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donnell, Kieran.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Gorman, Roderic.</i>	
	<i>O'Sullivan, Christopher.</i>	
	<i>O'Sullivan, Pádraig.</i>	
	<i>Ó Cathasaigh, Marc.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Shanahan, Matt.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Catherine Connolly and Thomas Pringle; Níl, Deputies Brendan Griffin and Jack Chambers.

Amendment declared lost.

Bill received for final consideration and passed.

*3 o'clock*

### **Gnó na Dála - Business of Dáil**

**An Ceann Comhairle:** I have just been informed that somebody who is very well known to most of us here, Alice Kearney, is retiring. She has laboured long in the Department of the

Taoiseach and has dealt with Government Chief Whip's business for many years in an effective and fair way for everyone in this House. She has given the House great, outstanding and courageous service on many occasions. She is retiring this week and will be sadly missed. I ask Members to give her a big and hearty round of applause.

*Members rose and applauded.*

**An Ceann Comhairle:** When I say nach mbeidh a leithéid ann arís, I really mean it.

**Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill  
2020: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 7: In page 9, to delete lines 1 and 2.

**An Ceann Comhairle:** Is anyone intending to offer on amendment No. 1 or the amendments grouped with it? The Government Whip is here, and we could proceed. We are awaiting the arrival of the Minister of State at the Department of Justice. Is Deputy Howlin offering?

**Deputy Brendan Howlin:** No amendments are tabled by this House. There are amendments accepted by the Minister in the Seanad. I do not believe anybody here would have difficulties with any of them.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 10: In page 11, line 15, to delete "subsection" where it firstly occurs and substitute "subsections".

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 10: In page 11, line 19, to delete "guidelines."." and substitute "guidelines.".

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 10: In page 11, between lines 19 and 20, to insert the following:

"(13) The Minister may, where he or she believes it is necessary to do so, and with the consent of the Minister for Finance, issue guidelines to the competent authorities for the purpose of facilitating the consistent, effective and risk-based application of this section."."

Seanad amendment agreed to.

Seanad amendment No. 5:

11 March 2021

Section 13: In page 12, lines 10 and 11, to delete “ “including any information from relevant trust services as set out in the Electronic Identification Regulation” ” and substitute the following:

“ “(including any information from relevant trust services as set out in the Electronic Identification Regulation)” ”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 14: In page 12, line 18, to delete “any” and substitute “and”.

Seanad amendment agreed to.

Seanad amendment No. 7:

Section 25: In page 27, line 24, after “from” to insert “the”

Seanad amendment agreed to.

Seanad amendments reported.

**An Ceann Comhairle:** A message will be sent to Seanad Éireann, acquainting it accordingly.

### **Housing Shared Equity Loan Scheme: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Eoin Ó Broin on Wednesday, 3 March 2021:

That Dáil Éireann:

notes that:

- after much delay the Minister for Housing, Local Government and Heritage, Darragh O’Brien, has brought forward his affordable housing plan;

- much of that plan, including the Land Development Agency, the Serviced Sites Fund and the Cost Rental Scheme, are continuations of the last Government’s housing policy;

- the only new element that the Minister for Housing, Local Government and Heritage, Darragh O’Brien, has brought to the plan is an Affordable Purchase Shared Equity Scheme for first-time buyers;

- this scheme was not included in Fianna Fáil’s election manifesto or previously stated Fianna Fáil policy;

- the origins of the scheme are two policy papers published by Irish Institutional Property and Property Industry Ireland in March and May 2020;

- these proposals were based on a shared equity loan scheme in operation in England and Wales since 2013;

- in 2015, a report by Shelter concluded that the English scheme ‘increased house prices by 3 per cent’;

- in 2019, a report by the House of Commons National Audit Office (NAO) found that house price inflation for new build homes was 3 per cent higher than for second-hand homes since the shared equity scheme was introduced;

- in 2020, a report published by the Centre for Economic Performance at the London School of Economics (LSE) found that in London the Shared Equity Loan Scheme ‘led to a 6 per cent increase in house prices’;

- while the NAO report concluded that the scheme increased the supply of new homes by 14 per cent, it also increased demand by 37 per cent, while the LSE report stated that the scheme ‘stimulated housing construction in the wrong areas’;

- in 2019, a report by the House of Commons Public Accounts Committee concluded that ‘three-fifths of buyers who took part in the scheme did not need its support to buy a property’;

- in September 2020, officials in the Department of Public Expenditure and Reform expressed concern that a shared equity loan scheme ‘will push up prices’;

- in September 2020, the Secretary General of the Department of Public Expenditure and Reform, Robert Watt, said ‘the property industry wants an equity scheme because it will increase prices’;

- in September 2020, at a meeting between the Department of Finance and the Central Bank of Ireland, concerns were raised that the shared equity scheme could ‘impact on prices’;

- on 16th February, 2021, the Economic and Social Research Institute told the Oireachtas Joint Committee on Housing, Local Government and Heritage that the proposed shared equity scheme ‘will very likely lead to higher house prices’; and

- on 22nd February, 2021, nine Fine Gael Councillors on Dublin City Council, including a close political associate of the Minister for Finance, Paschal Donohoe, wrote to the Minister for Housing, Local Government and Heritage, urging him to scrap the Affordable Purchase Shared Equity Scheme as it risked a ‘return to failed housing policies of the Celtic Tiger era’;

is of the strong view that:

- the Government’s shared equity scheme does not make homes more affordable;

- the scheme risks pushing up house prices and burdening working people with unsustainable debt;

- the scheme will benefit significant numbers of people who already have sufficient funding to purchase a home;

- the scheme will expose the State and taxpayer to significant liabilities in the event of a future property downturn; and

11 March 2021

- the scheme will breach the Central Bank of Ireland's macro-prudential lending rules if the banks are allowed to become participants in the equity loan; and

urges the Government to:

- remove the Affordable Purchase Shared Equity Scheme from the General Scheme and final version of the Affordable Housing Bill 2020; and

- re-profile the €75 million allocated to the Affordable Purchase Shared Equity Scheme in Budget 2021 to the Serviced Sites Fund, to allow for an increased delivery of local authority and Approved Housing Bodies affordable homes to rent and buy.

Debate resumed on amendment No. 1:

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

“notes that significant progress has been made on an extensive range of measures included in the Programme for Government - Our Shared Future, building on the initiatives already undertaken and in progress, which are now being brought forward by the Minister for Housing, Local Government and Heritage, to support individuals and families to access affordable housing, in particular:

— this Government is delivering on its commitment to ensure that everybody has access to good-quality housing, to purchase or rent at an affordable price;

— Budget 2021 included €3.3 billion for housing, a 24 per cent increase on 2020, and the highest investment in housing by any Government in a single year;

— the Minister, working across Government and with all housing delivery partners, is delivering on the Government's Programme for Government objectives to:

— put affordability at the heart of the housing system;

— bring forward proposals for State-backed affordable home purchase schemes to promote home ownership; and

— deliver the State's first ever cost rental homes;

— to this end, since taking Office, the Minister has already published the Affordable Housing Bill 2020 and introduced the Land Development Agency Bill 2021 to the Oireachtas;

— both of these significant pieces of legislation will facilitate immediate direct delivery of affordable housing, targeting middle income earners facing high rents and often out of reach purchase prices for new high-quality homes, while supporting the expansion of the affordable housing sector in Ireland over the short to medium-term;

— to provide financial support for affordable housing, €620 million was provided in Budget 2021 for new and existing affordable housing measures, with a focus on immediately stimulating supply;

— Budget 2021, together with focusing on delivering over 6,200 directly supplied homes by local authorities under the €310 million Serviced Sites Fund, introduced a new

Affordable Purchase Shared Equity Scheme to target first-time buyers with a help to buy scheme;

— Budget 2021 also introduced a new Cost Rental Equity Loan, to deliver the first ever cost rental properties by Approved Housing Bodies in areas of high demand and high housing costs, with the Exchequer funding supplemented by Housing Finance Agency low cost, long-term finance, making €135 million available in total; and

— the Minister has already announced the first 390 new cost rental homes targeted to be delivered this year under the new scheme, with the additional 50 cost rental homes at Enniskerry Road, Dún Laoghaire-Rathdown which are also due to be completed this year and supported by the Department's Serviced Sites Fund;

in terms of new measures, further notes that:

— the Irish housing system needs to provide additional new homes to meet current and future demand while new homes cost more than second-hand homes due to the enhanced quality and energy efficiency making viability an issue and meaning that home ownership is pushed further away from individuals and families starting out in life;

— in recent years, first-time buyers have increasingly shifted to buying second-hand homes and the stock of such homes for sale is diminishing;

— planning permissions for new homes have maintained strong growth but commencements have decreased recently;

— it is critical that new supply of affordable starter homes is encouraged and that overall supply increases by circa 40 per cent over the immediate period ahead, to meet the demand as Ireland's economy recovers from Covid-19; and

— relying on any one measure or one channel of supply would be very high risk and would be limited by each sector's capacity to deliver, instead all channels, State and non-State, are being mobilised to support affordable housing delivery;

in terms of the new Affordable Purchase Shared Equity Scheme, also notes that:

— the scheme is one short-term, targeted measure in a multi-faceted approach to increasing housing affordability;

— the scheme was devised in consultation with other Government Departments and housing delivery partners, in order to provide an immediate boost to first-time buyers for new homes;

— the proposal has gone through the rigorous cross-Government policy development processes with a mandate given to the Department of Housing, Local Government and Heritage to design the scheme for Government consideration;

— the scheme continues to be developed in close consultation with relevant Government Departments, housing delivery partners, international comparator bodies and other key stakeholders;

— with final parameters of the shared equity scheme close to finalisation, but not yet announced, the stance taken by the opposition is premature and based on incomplete

information;

— the Department of Housing, Local Government and Heritage has examined and assessed the impact of similar schemes in other jurisdictions, including England, learning from experience in developing the Irish scheme;

— the United Kingdom (UK) scheme, for example, has supported some 250,000 home purchases, and is considered to have met its objectives with a 2019 report from the UK National Audit Office finding that the English ‘Help to Buy: Equity Loan’ scheme increased overall supply by 14.5 per cent, while increasing purchase prices for buyers in the scheme by less than 1 per cent on a like-for-like basis;

— the Irish shared equity scheme will be more targeted than other international schemes to ensure it delivers on its objectives of helping first-time buyers, who need it, into new homes sooner, while at the same time encouraging and increasing new build supply to meet that realisable demand;

— the State’s financial exposure in the shared equity scheme is €75 million, just over 2 per cent of the State’s housing budget in 2021, and this can support an estimated 2,000 first-time buyers to realise their aspiration of buying a new home, representing 10 per cent of new homes built last year, and overall a targeted and time bound scheme could support 8,000 new home purchases over a three year period;

— taking on board legitimate concerns that any new market-based scheme could have unintended consequences, the Government are ensuring safeguards are being built in to tailor eligibility to meet individual affordability needs only, and to manage prices through area-based price caps; and

— the scheme will be reviewed after one year to ensure it remains on track to meet objectives; and

furthermore, notes the Government’s intention to:

— accelerate and expand affordable housing delivery in the context of the ongoing review of the National Development Plan and the new housing strategy being prepared by the Minister;

— fully utilise the provisions of the Affordable Housing Bill 2020 and the Land Development Agency Bill 2021, to support affordable housing delivery by local authorities, approved housing bodies, the Land Development Agency (LDA) and through all other channels;

— accelerate delivery of affordable homes by local authorities under the €310 million Serviced Sites Fund, to deliver 6,200 new affordable homes and bring forward proposals to expand the scope and potential of the fund;

— maximise the existing Help to Buy Scheme, which has already seen approvals of more than 22,000 applications, and the Rebuilding Ireland Home Loan, which has lending of €354 million since 2018;

— expand Part V of the Housing (Miscellaneous Provisions) Act 2009, to encompass affordable as well as social housing;

— mobilise the LDA to work with local authorities, State agencies and other stakeholders to deliver affordable housing by leveraging its expertise and the €1.25 billion in Ireland Strategic Investment Fund funding and land bank available to it; and

— build sustainable mixed communities, avoiding over-concentration of any particular housing types in areas, by requiring local authorities to complete Housing Need and Demand Assessments to inform the delivery of an appropriate mix of housing typologies to cater for the needs of disparate household types and sizes, and thereafter by delivering affordable housing to complement the planned increase in the social housing stock of more than 50,000 homes, to help meet those needs.”

- (Minister for Housing, Local Government and Heritage)

**An Ceann Comhairle:** I must now deal with a postponed division relating to amendment No. 1 in the name of the Minister for Housing, Local Government and Heritage to the motion on the Housing Shared Equity Loan Scheme. On Wednesday, 3 March 2021, on the question, “That the amendment be made”, a division was claimed and under Standing Order 80(2) that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 83; Níl, 52; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Browne, James.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Browne, Martin.</i>	
<i>Burke, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Burke, Peter.</i>	<i>Cairns, Holly.</i>	
<i>Byrne, Thomas.</i>	<i>Carthy, Matt.</i>	
<i>Cahill, Jackie.</i>	<i>Clarke, Sorca.</i>	
<i>Calleary, Dara.</i>	<i>Collins, Michael.</i>	
<i>Canney, Seán.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cannon, Ciarán.</i>	<i>Cronin, Réada.</i>	
<i>Carey, Joe.</i>	<i>Crowe, Seán.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Cullinane, David.</i>	
<i>Chambers, Jack.</i>	<i>Daly, Pa.</i>	
<i>Collins, Niall.</i>	<i>Donnelly, Paul.</i>	
<i>Costello, Patrick.</i>	<i>Ellis, Dessie.</i>	
<i>Cowen, Barry.</i>	<i>Farrell, Mairéad.</i>	
<i>Creed, Michael.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Crowe, Cathal.</i>	<i>Funchion, Kathleen.</i>	
<i>Devlin, Cormac.</i>	<i>Gannon, Gary.</i>	
<i>Dillon, Alan.</i>	<i>Gould, Thomas.</i>	
<i>Donnelly, Stephen.</i>	<i>Guirke, Johnny.</i>	
<i>Duffy, Francis Noel.</i>	<i>Howlin, Brendan.</i>	

11 March 2021

<i>Durkan, Bernard J.</i>	<i>Kelly, Alan.</i>	
<i>English, Damien.</i>	<i>Kenny, Gino.</i>	
<i>Farrell, Alan.</i>	<i>Kenny, Martin.</i>	
<i>Feighan, Frankie.</i>	<i>Kerrane, Claire.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Flaherty, Joe.</i>	<i>McGrath, Mattie.</i>	
<i>Flanagan, Charles.</i>	<i>Mitchell, Denise.</i>	
<i>Fleming, Sean.</i>	<i>Munster, Imelda.</i>	
<i>Foley, Norma.</i>	<i>Murphy, Catherine.</i>	
<i>Grealish, Noel.</i>	<i>Mythen, Johnny.</i>	
<i>Griffin, Brendan.</i>	<i>Nash, Ged.</i>	
<i>Harris, Simon.</i>	<i>O'Callaghan, Cian.</i>	
<i>Haughey, Seán.</i>	<i>O'Reilly, Louise.</i>	
<i>Heydon, Martin.</i>	<i>O'Rourke, Darren.</i>	
<i>Higgins, Emer.</i>	<i>Ó Broin, Eoin.</i>	
<i>Hourigan, Neasa.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Humphreys, Heather.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Kehoe, Paul.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Lahart, John.</i>	<i>Quinlivan, Maurice.</i>	
<i>Lawless, James.</i>	<i>Ryan, Patricia.</i>	
<i>Leddin, Brian.</i>	<i>Sherlock, Sean.</i>	
<i>Lowry, Michael.</i>	<i>Shortall, Róisín.</i>	
<i>Madigan, Josepha.</i>	<i>Smith, Bríd.</i>	
<i>Martin, Catherine.</i>	<i>Smith, Duncan.</i>	
<i>Matthews, Steven.</i>	<i>Tóibín, Peadar.</i>	
<i>McAuliffe, Paul.</i>	<i>Tully, Pauline.</i>	
<i>McConalogue, Charlie.</i>	<i>Ward, Mark.</i>	
<i>McEntee, Helen.</i>	<i>Whitmore, Jennifer.</i>	
<i>McGrath, Michael.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Verona.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		

<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

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

Amendment declared carried.

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

<i>The Dáil divided: Tá, 82; Níl, 56; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Berry, Cathal.</i>	<i>Andrews, Chris.</i>	
<i>Brophy, Colm.</i>	<i>Barry, Mick.</i>	
<i>Browne, James.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Bruton, Richard.</i>	<i>Brady, John.</i>	
<i>Burke, Colm.</i>	<i>Browne, Martin.</i>	
<i>Burke, Peter.</i>	<i>Buckley, Pat.</i>	
<i>Byrne, Thomas.</i>	<i>Cairns, Holly.</i>	
<i>Cahill, Jackie.</i>	<i>Carthy, Matt.</i>	
<i>Calleary, Dara.</i>	<i>Clarke, Sorca.</i>	
<i>Canney, Seán.</i>	<i>Collins, Michael.</i>	
<i>Cannon, Ciarán.</i>	<i>Connolly, Catherine.</i>	
<i>Carey, Joe.</i>	<i>Conway-Walsh, Rose.</i>	

11 March 2021

<i>Carroll MacNeill, Jennifer.</i>	<i>Cronin, Réada.</i>	
<i>Chambers, Jack.</i>	<i>Crowe, Seán.</i>	
<i>Collins, Niall.</i>	<i>Cullinane, David.</i>	
<i>Costello, Patrick.</i>	<i>Daly, Pa.</i>	
<i>Cowen, Barry.</i>	<i>Donnelly, Paul.</i>	
<i>Creed, Michael.</i>	<i>Ellis, Dessie.</i>	
<i>Crowe, Cathal.</i>	<i>Farrell, Mairéad.</i>	
<i>Devlin, Cormac.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Dillon, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Donnelly, Stephen.</i>	<i>Gannon, Gary.</i>	
<i>Duffy, Francis Noel.</i>	<i>Gould, Thomas.</i>	
<i>Durkan, Bernard J.</i>	<i>Guirke, Johnny.</i>	
<i>English, Damien.</i>	<i>Howlin, Brendan.</i>	
<i>Farrell, Alan.</i>	<i>Kelly, Alan.</i>	
<i>Feighan, Frankie.</i>	<i>Kenny, Gino.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kenny, Martin.</i>	
<i>Flaherty, Joe.</i>	<i>Kerrane, Claire.</i>	
<i>Flanagan, Charles.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Fleming, Sean.</i>	<i>McGrath, Mattie.</i>	
<i>Foley, Norma.</i>	<i>Mitchell, Denise.</i>	
<i>Grealish, Noel.</i>	<i>Munster, Imelda.</i>	
<i>Griffin, Brendan.</i>	<i>Murphy, Catherine.</i>	
<i>Harris, Simon.</i>	<i>Murphy, Paul.</i>	
<i>Haughey, Seán.</i>	<i>Mythen, Johnny.</i>	
<i>Heydon, Martin.</i>	<i>Nash, Ged.</i>	
<i>Higgins, Emer.</i>	<i>O'Callaghan, Cian.</i>	
<i>Hourigan, Neasa.</i>	<i>O'Reilly, Louise.</i>	
<i>Humphreys, Heather.</i>	<i>O'Rourke, Darren.</i>	
<i>Kehoe, Paul.</i>	<i>Ó Broin, Eoin.</i>	
<i>Lahart, John.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>Lawless, James.</i>	<i>Ó Ríordáin, Aodhán.</i>	
<i>Leddin, Brian.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Lowry, Michael.</i>	<i>Pringle, Thomas.</i>	
<i>Madigan, Josepha.</i>	<i>Quinlivan, Maurice.</i>	
<i>Martin, Catherine.</i>	<i>Ryan, Patricia.</i>	
<i>Matthews, Steven.</i>	<i>Sherlock, Sean.</i>	
<i>McAuliffe, Paul.</i>	<i>Shortall, Róisín.</i>	
<i>McConalogue, Charlie.</i>	<i>Smith, Bríd.</i>	
<i>McEntee, Helen.</i>	<i>Smith, Duncan.</i>	
<i>McGrath, Michael.</i>	<i>Tóibín, Peadar.</i>	
<i>Moynihan, Aindrias.</i>	<i>Tully, Pauline.</i>	
<i>Moynihan, Michael.</i>	<i>Ward, Mark.</i>	

<i>Murnane O'Connor, Jennifer.</i>	<i>Whitmore, Jennifer.</i>	
<i>Murphy, Eoghan.</i>	<i>Wynne, Violet-Anne.</i>	
<i>Naughton, Hildegard.</i>		
<i>Noonan, Malcolm.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Shanahan, Matt.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

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

Question declared carried.

### **Land Development Agency Bill 2021: Second Stage (Resumed)**

**An Ceann Comhairle:** I must now deal with a postponed division on Second Stage of the Land Development Agency Bill 2021, taken yesterday. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 80(2) that division must be taken now.

11 March 2021

Question put: "That the Bill be now read a Second Time."

<i>The Dáil divided: Tá, 82; Níl, 57; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	
<i>Browne, James.</i>	<i>Barry, Mick.</i>	
<i>Bruton, Richard.</i>	<i>Berry, Cathal.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Byrne, Thomas.</i>	<i>Browne, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Buckley, Pat.</i>	
<i>Calleary, Dara.</i>	<i>Cairns, Holly.</i>	
<i>Cannon, Ciarán.</i>	<i>Canney, Seán.</i>	
<i>Carey, Joe.</i>	<i>Carthy, Matt.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Clarke, Sorca.</i>	
<i>Chambers, Jack.</i>	<i>Collins, Michael.</i>	
<i>Collins, Niall.</i>	<i>Connolly, Catherine.</i>	
<i>Costello, Patrick.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Cowen, Barry.</i>	<i>Cronin, Réada.</i>	
<i>Creed, Michael.</i>	<i>Crowe, Seán.</i>	
<i>Crowe, Cathal.</i>	<i>Cullinane, David.</i>	
<i>Devlin, Cormac.</i>	<i>Daly, Pa.</i>	
<i>Dillon, Alan.</i>	<i>Donnelly, Paul.</i>	
<i>Donnelly, Stephen.</i>	<i>Ellis, Dessie.</i>	
<i>Duffy, Francis Noel.</i>	<i>Farrell, Mairéad.</i>	
<i>Durkan, Bernard J.</i>	<i>Fitzmaurice, Michael.</i>	
<i>English, Damien.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Farrell, Alan.</i>	<i>Funchion, Kathleen.</i>	
<i>Feighan, Frankie.</i>	<i>Gannon, Gary.</i>	
<i>Flaherty, Joe.</i>	<i>Gould, Thomas.</i>	
<i>Flanagan, Charles.</i>	<i>Grealish, Noel.</i>	
<i>Fleming, Sean.</i>	<i>Guirke, Johnny.</i>	
<i>Foley, Norma.</i>	<i>Kenny, Gino.</i>	
<i>Griffin, Brendan.</i>	<i>Kenny, Martin.</i>	
<i>Harris, Simon.</i>	<i>Kerrane, Claire.</i>	
<i>Haughey, Seán.</i>	<i>Lowry, Michael.</i>	
<i>Heydon, Martin.</i>	<i>Mac Lochlainn, Pádraig.</i>	
<i>Higgins, Emer.</i>	<i>McGrath, Mattie.</i>	
<i>Hourigan, Neasa.</i>	<i>Mitchell, Denise.</i>	
<i>Howlin, Brendan.</i>	<i>Munster, Imelda.</i>	
<i>Humphreys, Heather.</i>	<i>Murphy, Catherine.</i>	
<i>Kehoe, Paul.</i>	<i>Murphy, Paul.</i>	
<i>Kelly, Alan.</i>	<i>Murphy, Verona.</i>	

*Dáil Éireann*

<i>Lahart, John.</i>	<i>Mythen, Johnny.</i>	
<i>Lawless, James.</i>	<i>O'Callaghan, Cian.</i>	
<i>Leddin, Brian.</i>	<i>O'Reilly, Louise.</i>	
<i>Madigan, Josepha.</i>	<i>O'Rourke, Darren.</i>	
<i>Martin, Catherine.</i>	<i>Ó Broin, Eoin.</i>	
<i>Matthews, Steven.</i>	<i>Ó Murchú, Ruairí.</i>	
<i>McAuliffe, Paul.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>McConalogue, Charlie.</i>	<i>Pringle, Thomas.</i>	
<i>McEntee, Helen.</i>	<i>Quinlivan, Maurice.</i>	
<i>McGrath, Michael.</i>	<i>Ryan, Patricia.</i>	
<i>Moynihan, Aindrias.</i>	<i>Shanahan, Matt.</i>	
<i>Moynihan, Michael.</i>	<i>Shortall, Róisín.</i>	
<i>Murnane O'Connor, Jennifer.</i>	<i>Smith, Bríd.</i>	
<i>Murphy, Eoghan.</i>	<i>Tóibín, Peadar.</i>	
<i>Nash, Ged.</i>	<i>Tully, Pauline.</i>	
<i>Naughton, Hildegarde.</i>	<i>Ward, Mark.</i>	
<i>Noonan, Malcolm.</i>	<i>Whitmore, Jennifer.</i>	
<i>O'Brien, Darragh.</i>	<i>Wynne, Violet-Anne.</i>	
<i>O'Brien, Joe.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connor, James.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Gorman, Roderic.</i>		
<i>O'Sullivan, Christopher.</i>		
<i>O'Sullivan, Pádraig.</i>		
<i>Ó Cathasaigh, Marc.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Ó Ríordáin, Aodhán.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Sherlock, Sean.</i>		
<i>Smith, Brendan.</i>		
<i>Smith, Duncan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		

<i>Varadkar, Leo.</i>		
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Tellers: Tá, Deputies Brendan Griffin and Jack Chambers; Níl, Deputies Denise Mitchell and Pádraig Mac Lochlainn.

Question declared carried.

### **Land Development Agency Bill 2021: Referral to Select Committee**

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

That the Bill be referred to the Select Committee on Housing, Local Government and Heritage pursuant to Standing Orders 95(3)(a) and 181(1).

Question put and agreed to.

*Sitting suspended at 3.45 p.m. and resumed at 4.10 p.m.*

### **Children (Amendment) Bill 2020 [Seanad]: Second Stage**

**Minister for Justice (Deputy Helen McEntee):** I move: "That the Bill be now read a Second Time."

I will start by thanking Senator McDowell and the other proposing Senators for introducing this Bill in the Seanad. It has now passed all Stages in the Seanad, with some Government amendments and with Government support. I acknowledge the Private Members' Bill proposed by Deputy Jim O'Callaghan, which addresses the same issue, and I thank him and Senator McDowell for their co-operation on this matter.

This Bill is in response to issues arising from the recent decision of the courts in DPP and EC v. *The Irish Times* and others. Section 252 of the Children Act 2001 contains mandatory reporting restrictions where the trial relates to "an offence against a child or where a child is a witness in any such proceedings". Mr. Justice Birmingham, in the Court of Appeal on 29 October 2020, upheld the High Court's interpretation of section 252 to mean that the reporting restrictions in respect of offences against children also apply in circumstances where the child is deceased or has turned 18 years of age. The identity of the person responsible for the child's death cannot be published if it would directly or indirectly reveal the child's identity.

The profoundly negative impact that the ruling is having on grieving parents who are unable to remember their deceased children's names or legacies is clear to me. I have been working closely with Senator McDowell and Deputy Jim O'Callaghan on this issue. We all agree that a collaborative approach is the right one to take. Having committed to finding the fastest way to address this issue, the Cabinet agreed to support the Private Members' Bill, with Government amendments, as the most expeditious way of delivering on that commitment.

As the law stands, section 252 of the Children Act 2001 was designed to protect child witnesses and child victims from the negative impact of being publicly identified in criminal proceedings. Section 252(1) provides that:

... in relation to any proceedings for an offence against a child or where a child is a witness in any such proceedings—

(a) no report which reveals the name, address or school of the child or includes any particulars likely to lead to his or her identification, and

(b) no picture which purports to be or include a picture of the child or which is likely to lead to his or her identification,

shall be published or included in a broadcast.

Section 252(2) does permit a court to lift reporting restrictions if satisfied that this would be in the interests of the child. Prior to the judgment of the Court of Appeal in the EC case, the issue of reporting restrictions in the case of deceased child victims had not arisen.

The position appears anomalous given the fact that the identity of a child murder victim can be and is reported at the time of the tragic occurrence, but cannot be published once proceedings for an offence against the child homicide victim commence. Nonetheless, as the judgment of Mr. Justice Birmingham outlines, this is the natural consequence of a perfectly plain reading and interpretation of section 252. Mr. Justice Birmingham was of the view that it is not possible to interpret the section as not including a deceased person who was a child at the time of death.

A further issue which has arisen on foot of the ruling is in respect of cases relating to persons who were children at the time of the offence but adults when proceedings were taken against the perpetrators. Mr. Justice Birmingham added on this point, “Neither, in my view, is it possible to exclude proceedings relating to offences committed against a child, as a child, if they come on for hearing after the child has attained his or her majority.”

I will now turning to provisions of the Bill. Instead of replacing section 252, I will be amending it to address the key issue, which is to ensure that parents will be free to refer in media reporting to the names of their deceased children who have been the victims of crimes. This will also remove the restriction on the reporting of the identity of accused or convicted persons in such cases where there were restrictions because it might lead to the identification of the deceased child victim. However, this will not operate to undermine the provisions of section 252 if another child witness or victim is in need of its protection and neither will it undermine the provisions of section 93 of the Act, which protects the identity of a child who is the accused or convicted person. In addition, the Bill addresses the restrictions that apply in respect of the identification of a person who was a child at the time of the offence but an adult at the time of the proceedings.

Subsection (1)(a) of section 1 amends the existing sections 252(1) by substituting “Subject to this section,” for “Subject to subsection (2),”. The purpose of this amendment is to ensure that this section is subject to subsections (1A), (1B) and (1C) as well as subsection (2).

Subsection 1(b) inserts three new subsections after subsection 252(1), namely, subsections (1A), (1B) and (1C). Subsection (1A) disapplies the prohibition on publication or broadcast in subsection (1) where the proceedings concern the death of a child. This section disapplies

subsection (1) automatically, which means that the identity of a child victim who has died can be published without the need for a court order. There are two exceptions to this. First, where this would lead to the identity of another child who is a witness or another child who is a victim of an offence to which the proceedings relate. Second, where this would lead to the identity of a child accused in relation to the proceedings, contrary to section 93 of the Act. Section 93 protects the identity of child offenders or children accused of criminal offence. I will clarify how this will operate in practice by way of examples.

In the first scenario, where there is a deceased child and no other child witness, subsection (1A) operates to allow the identity of child and perpetrator to be reported without any court involvement.

The second scenario relates to circumstances where there is a deceased child and a child witness. If identifying the deceased child or the perpetrator is likely to identify a child witness, such as a sibling, the default situation under subsection (1A) is that the identity of the deceased child should not be reported unless a court decides otherwise. There is that flexibility. However, section 252(2) would apply in this situation. It allows the court to dispense with the protections, to any specified extent, in the best interests of the child. The court has flexibility under this section. For example, it could decide that the deceased child could be named, which would also allow the accused to be named, but that there should be no reporting of family link with the witness or it could decide the best interest of the child witness does not require anonymity for the deceased child and witness.

A third scenario is where there is a deceased child and a child witness and the accused is a child. In such circumstances, subsection (2A) applies such that if the court is considering dispensing with the protection of subsection (1) for the child witness, it must also consider the implications for the child accused. If the court decides that identifying the child witness is likely to identify the accused child and that that is not appropriate, then the child witness should not be identified. However, it should again be noted that the protection of anonymity afforded to a child accused is not absolute because section 93 does allow for those protections to be lifted by a court in some circumstances.

Subsection (1B) disapplies the prohibition on publication in subsection (1) where the child against whom the offence is alleged to have been committed has attained the age of 18 at the time the proceedings have commenced. The protections will automatically disapply in such circumstances. There are two exceptions to this. The first is where this would lead to the identity of child who is a witness or another victim in the proceedings who remains a child. The second is where this would lead to the identity of a child accused in relation to the proceedings, contrary to section 93 of the Act. As I stated, section 93 protects the identity of child offenders or children accused of a criminal offence.

Subsection 1(b) also inserts subsection (1C) after section (1B). Subsection (1C) specifies that subsection (1B) does not affect provisions in other legislation which preserve the anonymity of a victim.

Section 1(c)(i) amends subsection 252(2) by substituting “Subject to subsection (2A), the court” for “The court”.

Subsection (2A) relates to matters the court must consider if dispensing with subsection (1) restrictions. I wish to provide a point of clarity relating to the new subsection (2A). The

reason this subsection is inserted is to deal with circumstances in which the court must consider situations involving more than one child witness or victim to the proceedings. This subsection ensures that, when considering whether to dispense with restrictions relating to a child witness or victim, a court will not dispense with the requirements of subsection (1) where this would lead to the identity of another child who is also a witness or victim of an offence to which the proceedings relate. For example, where there is more than one child witness or victim in a case, the court must consider the best interests of each individual witness or victim when deciding whether to lift restrictions and can consider the extent to which restrictions should be lifted in respect of each child. Similarly, the court must also consider whether dispensing with restrictions in respect of a child witness or victim would lead to the identity of a child accused in respect of the proceedings, contrary to section 93 of the Act.

Subsection 1(c)(ii) amends subsection 252 by substituting “best interest of the child” for “interests of the child”. The best interests of the child principle is increasingly incorporated into new policy and legislation affecting children and is therefore increasingly applied by the courts. The best interests of the child will not always be the single overriding interest. There may be other competing interests at stake, such as other children, the parents or the public interest. However, in accordance with the principle, the interests of the child must be the subject of active consideration and the court needs to demonstrate that the interests of the child have been explored and taken into account as a primary consideration.

Section 1(2) of the Bill makes provision for the changes effected to apply immediately both to the reporting of old proceedings and to new proceedings. This means that the identity of a deceased child which could not be published since the decision of the Court of Appeal in DPP and EC v. *The Irish Times* and others can be published once the amended section 252 has been commenced. It also follows that the identity of an adult accused or convicted in relation to such a death can be published once the amended section 252 has been commenced.

Section 2(1) sets out the Short Title of the Bill. Subsection 2(2) contains the collective citation.

Section 2(3) relates to the commencement of the Act. The Act will be commenced by way of statutory order, which is the most efficient way to bring the Act into effect. Section 252 creates a criminal offence. As such, there is a need for people, including the media, the courts and the Director of Public Prosecutions, to know in advance the date on which the new provisions will come into force. This section means there will be certainty about the date of commencement and that the public can be informed in advance of the date of commencement.

Article 25.2.1° of the Constitution provides for a Bill to be signed not earlier than five days and not later than the seventh day after it has been presented to the President. We will not know in advance on which day the President will sign the Bill. This means there can be a short delay before a new Act is promulgated and becomes a matter of public record. My officials will be advised as soon as the President has signed the Bill. I can then sign the commencement order without delay and it will be promulgated by my Department and be a matter of public record as a statutory instrument.

I again thank Senator McDowell for introducing the Bill and for his engagement on this issue both inside and outside the Seanad. I again thank Deputy Jim O’Callaghan for his engagement on the issue. He recently published a Private Members’ Bill on this issue in the Dáil along with Deputy Murnane O’Connor and it was taken into account in our overall considerations.

11 March 2021

I am sure Members across both Houses of the Oireachtas are as determined as I am to enact the Bill and amend this legislation to ensure that parents most importantly can speak publicly in the media to honour the memory of their child in such tragic circumstances. A number of families have been affected by the ruling of the Court of Appeal and I hope that we can work together quickly to bring this legislation to a successful conclusion.

**Deputy Brendan Howlin:** May I raise a point of order? The Minister's speech was quite technical. Is there a copy of it available for us before we make contributions?

**Deputy Helen McEntee:** A copy should have been given out.

**An Leas-Cheann Comhairle:** Is there a copy available? There might be copies outside. The speech is on its way. Meanwhile, we will move on to the Sinn Féin slot.

**Deputy Martin Kenny:** I welcome the Bill. The issue it addresses has been a running sore for many victims and their families since the ruling on the operation of the Children Act 2001 by Mr. Justice Birmingham. It was a decision that took many people by surprise by taking a narrow interpretation of section 252. However, the situation is what it is and we are where we are. We are now in a position where we are moving the matter forward.

I commend the other Members of both Houses who have done the work to bring the Bill to this point. We all recognise the trauma that many families go through when a family member, particularly a child, is the victim of homicide or a similar crime and cannot be named. The family is denied the element of being able to recognise the child in a formal and public way. I know that members of the media have been vocal on this matter and some have run campaigns to have the decision reversed, all of which has been appropriate and proper. I wish it had been done sooner but we are where we are and we are going in the right direction. I hope this Bill will come into law as quickly as possible.

I spoke at length to an advocate for victims of homicide yesterday. His sister and her two children were killed some time ago, before this particular case came into vogue. He made the resonant point that the pain that the relatives of victims go through is something for which we need to take more consideration. It does not end when the day in court is over and the perpetrator is put behind bars, or whatever. Their pain, suffering and anguish continue and we need to have a clear recognition of that.

Many of the types of cases with which this legislation is concerned, particularly those involving children, are linked to the serious drug crime that exists across the State. I listened with interest to the radio when I was driving up in the car this morning and heard about a child victim of crime who was dismembered and parts of his body were left around different parts of Dublin. There is a search for other parts of his body going on in Drogheda. He could not be named today but he was named last year. It shows the impact of the ruling by Mr. Justice Birmingham.

There is, of course, an issue of young people becoming involved in, and part of, the culture of serious crime and drugs that exists in many communities, including, unfortunately, our inner city and urban areas, but also places all over the country. It is everywhere. There is a problem, particularly in Dublin but in other places too, with the use of crack cocaine among a lot of young people. It is cheap, easy to get and seems to be rampant. I am getting an awful lot of complaints that the Garda is not doing enough to combat that particular problem and that attention and focus need to be brought to the issue. I know that the Minister will soon be moving on to relaxing and preparing for the imminent arrival of her new baby but before she

does, I ask her to speak to the Garda Commissioner and anyone else at a senior level within An Garda Síochána in Dublin to get resources put in place to bring attention to the problem. Many people see selling drugs in a low-level way as a low-level crime without a big impact but it has an enormous impact on the communities it affects. It has become very serious in certain areas of Dublin, in particular, and in other areas around the country.

We must consider where we need to go to solve these problems. We cannot only intervene after a court case and when a child, young person or teenager is a victim of crime. Many of the people involved in all of this stuff are of that age. How we prevent those young people going down that path, bring them to a different route and find another way for them is the key to all of this. We must ensure that we put the resources in place. This issue extends beyond the remit of the Minister for Justice and goes into a whole lot of other areas, particularly social work, youth work and all of those things. If resources were put into those areas, it would make a considerable difference in ensuring that young people do not end up in such situations in the first place.

We must think about young people who are the perpetrators of crime and end up in prison. There is considerable cost to the State, including the legal system through which they must go for a trial and the cost of the Garda members, security services and so on to try to deal with them. The State incurs all of that cost because, in the beginning, those people were not given the right chances in life. If we put resources in the right places, we would save a lot of money down the road. I am sure it costs an awful lot of money to keep a young person in Mountjoy for a year, or for ten years in cases of serious crime. If those resources were put into the communities where they live and fall into the wrong company at the right time, it might save money in the long run. There is a big job of work to be done in that regard.

There is also a big job of work to be done in our mental health services and what we can do in that regard. I regularly hear about the issues that arise in that respect, particularly for young people. Some of the issues relate to drug use and the psychotic episodes that young people have when they have a serious problem with drug use and fall into crime as a result. When members of the Garda pick them up, they know those people are a danger to themselves and others and yet there is nowhere to put them. That is a serious problem that needs to be addressed because it has had catastrophic consequences for some people who have been victims of crime as a result of that further down the road.

This legislation makes some effort to go in the right direction. It certainly is dealing with the specific problem of the naming of a person who is a victim of crime. However, I think we need to broaden all of this out. The relatives of victims of crime being able to name the child or adolescent who has died solves only one part of the problem and much more needs to be done to give those family members a voice and a part in the process, and to open up the process for the relatives of victims in these circumstances. I believe the Minister would agree that a piece of work needs to be done to reach further than this small legislative measure, which deals with a particular interpretation of the 2001 Act.

The clear problem that we have in our society is, in many cases, about poverty of ambition and opportunity for many people. We would do well to revert our attention to those issues. A considerable body of work needs to be done in that regard.

There are also issues for people who are perpetrators of serious crime of this nature when they go into prison. They go into a system which, for many of them, does not work and is quite broken. There are issues that must be dealt with in order to provide adequate services and to en-

sure that people avail of them when they are in prison. There are also issues around the Probation Service and how it works with prisoners when they come out of prison and addresses where they are, what they are doing and how they can move into a different place in life. At the end of the day, we have to make people recognise the harm that they have done and move them to a different place in order that they will not inflict that harm again and become advocates for others to make sure they do not cause similar harm. That is not happening and one of the tragedies of our present criminal justice system is that it does not do enough to ensure that we do not have continual repetition of crime and more people from the same community being sucked into it. There is a significant amount of work to be done in that regard. The victims and relatives of crime need to have their voices heard in the legislation regarding the children they have lost. They also need to have their voices heard regarding their access to information, in particular in violent cases where someone ends up in prison. They do not know how long a life sentence is and when the perpetrator can seek to get out. The whole system seems to be unbalanced in that regard. The relatives of victims of a serious crime of that nature make a strong case for there to be space for their voices to be heard when it comes to the early stages of the sentence and to the perpetrator being released from prison. It is only if they feel they are protected by the State and that they are a part of the process that they can move on with their lives. I have spoken to people who told me that to their horror they met somebody on the street who had been out of prison for a very serious offence against a family member but they were unaware that the person was out of prison. We should not have that kind of thing happening in society. There is a lot of work to be done.

As far as the Bill goes, I welcome it. It does what it says. I listened to the debate in the Seanad where there were some comments to the effect that the language in the Bill should be clearer. That may well be the case, but I am not prepared to get hung up on that now. We need to get the Bill through the Houses and in place as quickly as possible so that the anguish people suffer is relieved. I will hand over to Deputy Ó Murchú.

**Deputy Ruairí Ó Murchú:** I wish the Minister, Deputy McEntee, and her husband well. I am very pleased the Government has created a stopgap measure to provide her with the necessary maternity leave. I agree with previous speakers who stated that we need a solution that brings us up to date so that we can facilitate women in politics. It is 2021 but we are operating as if it was 1950 or even 1850. I wish her very well.

Like Deputy Martin Kenny, I support the Bill and consider it necessary legislation. We found ourselves in a quandary given that the media were referring to children who were victims of homicide and in many cases we knew the name of the child, but a voice could not be given to the child. To a degree, that retraumatises the family of a victim of what in some cases are heinous crimes. Deputy Kenny referred to the ongoing search in Drogheda, which we hope is successful. We all know the terrible story that brought us to that particular place.

It is another example of a case where we are taking away a sense of ownership and identity from a family and a victim and heaping on extra pain and we must remove that. While we wish everything could happen more quickly, we are where we are, and we must ensure we get the legislation passed and that we at least relieve the extra pain we are putting on people. Given the situation I spoke about earlier, like Deputy Kenny I think it is a fair point to make.

It is very hard in the context of general justice issues not to refer to the pandemic of drug crime that we are dealing with across the board. In fairness, I have spoken in this Chamber and privately to the Minister on the matter. We need a holistic system that delivers for us. We all

accept that a multi-agency approach is required. It is fair to say that the current youth justice system is not correctly purposed to deal with the situation. A University of Limerick report was based on almost 1,000 children in danger of being involved in drug crime due to being groomed by criminal gangs that make use of certain weaknesses in the law. They find people who are already on the periphery of society and bring them into a netherworld where there are no wins. It is just heaping tragedy upon tragedy especially in working class areas throughout the State. We must do what is necessary to alleviate that.

In fairness to the Minister, Deputy McEntee, and the Minister of State, Deputy James Browne, they have spoken about their plans for a youth justice strategy that should be more fit for purpose. I welcome the outworking of that. A number of projects are currently in operation to try to reduce the danger of children becoming involved in criminal gangs. The work must be assessed and whatever pilot programmes are in operation must be extended to all communities in the State that are being ravaged by drugs crime.

I agree with what my colleague stated earlier about the need to give the Garda the powers and ability to deal with criminal gangs. We must ensure that we focus on and intervene in the families and children in communities that are in danger of falling into difficulty. Some might say such projects are incredibly costly, but we know the price of not putting in place early intervention. We know the price we pay for crime, whether it is ourselves or the wider community. We also know the cost of imprisonment is huge so we must do what we can to reduce the number of people who become involved in what is a dreadful business and is an impediment to society. We must do whatever we can to improve the situation.

To return to the legislation, it offers a solution that is required at this point. It is a sensible solution that will remove an element of pain from people who have already had to deal with dreadful pain due to the homicide of their own child or one who was closely related to them. That must happen as soon as possible.

At times, the justice system and its communications are not necessarily where they need to be. I refer to people who become victims of a serious crime and who have a genuine complaint because they are not always updated on Garda investigations or court proceedings. I accept they do not need to know the ins and outs of operational matters, but they should be told about developments concerning serious charges and when people are sentenced for homicide and other such crimes as well as parole. We must improve on our communications so that we do not add further pain to families who have already suffered far too much. I welcome this legislation. We must join the dots to improve the system and to deliver for people.

**Deputy Brendan Howlin:** I am very pleased to have the opportunity to speak on this short but important piece of legislation. I was a member of the committee that worked on the Children Act in 2000. As I recall, that legislation took a year to go through the Houses. There was very detailed committee consideration and nobody around the table envisaged that section 252 would be interpreted in the way it has been.

The president of the Court of Appeal made the point abundantly clear that on reading the section in plain English, one would have to interpret it in the way the courts obviously have done. It was certainly not the intention of any Member of the Oireachtas at the time that there would be a blanket prohibition on the identification of the victims of murder if they were children. It requires amending now. In his judgment, the president of the Court of Appeal indicated that this was a plain English reading of the section and that if how it has been interpreted was

not the intent of the Oireachtas, then it was a matter for the Oireachtas to deal with. As a result, we have to put matters to right.

What is at stake here is important, as the Minister has indicated. Many families have suffered the awful bereavement of a murdered child who has been made anonymous by all of this. They cannot explain the hurt or horror or tell their stories. That is quite wrong in most instances. There are also families who will not want to have the spotlight of publicity shone upon them, particularly those with other children that will not want a surviving child or children to be known as the sibling of a murder victim and the trauma that would bring on them forever. Arriving at a solution is a careful balancing act.

When this matter first arose, I thought a simple amendment to the Children Act could be introduced. I suggested at a committee meeting that we could do that by way of adding an amendment to one of the miscellaneous provisions Bills going through the Houses. More mature reflection would indicate that is not the best way to proceed. We need a stand-alone Bill.

I heartily commend the work done by Senator McDowell and Deputy Jim O'Callaghan, both of whom are extraordinarily experienced lawyers. They produced a Bill to address this issue. I understood that their approach was to restore the position to that which obtained prior to the court's determination. In other words, to restore it to the view that we understood we enacted when the Oireachtas passed the original Children Act. I am not 100% certain that this Bill does exactly that.

As already stated, it is very difficult to strike an absolute balance which will allow families who wish to tell their story to express their grief so that all of us can have a better understanding of the horrors that they are enduring and ensuring they are not excluded from doing that, while at the same time providing for those families who do not want photographs of themselves at a funeral or in the company of other children carrying the coffin of their beloved child. How do we strike that particular balance? I am interested in hearing the view of the Minister on that matter.

Every case is unique. The Bill is rather impenetrable to a lay reader. It is very difficult to understand all of it. It is an amending Bill which goes into a grounding Act. It relates to sections of the original Act that have to be read in parallel to it. The Minister's intention is that child witnesses would be protected and could not be identified, no more than child victims. It will be very difficult for a reporter to determine what exactly one can do without trespassing on the considerations of the Bill. We have to protect the victim when he or she needs to be protected, as well as protecting witnesses. As I said, in the context of a plain English reading of the amended section 252, which will be the new section in the Children Act, matters are not crystal clear.

Deputies have referred to the, thankfully rare, occasions on which children are murdered. Often, a murder is notified before a body is found. When a child is missing, his or her identity is almost always known and information is in the public media and a matter of enormous public focus, as one can imagine. There is an odd situation in that there is a very plainly a missing child who has been identified in the media for days, if not weeks. If a person is charged with an offence, suddenly the victim cannot be named for legal reasons.

Others have referred to a case in the news today. A person who had been identified very extensively last year cannot now be identified for legal reasons, those reasons being the decisions

of the superior courts in regard to the interpretation of section 252 of the Children Act.

The amendment seems to seek to cover all likely circumstances, which is very difficult to achieve. I read the debate in the Seanad and noted the strivings of Senators, as well as the Minister, to do just that. Discretion is left to the courts, but perhaps there should be greater discretion rather than trying to circumscribe it in the way the Bill does. That might better meet all circumstances. As we find again and again, each set of circumstances is unique. If there is an opportunity for some dialogue between the presiding judge in a court case and the family directly involved before making a determination, perhaps that approach would better suit the generality of cases that are likely to arise.

I am putting this forward as a suggestion because I believe that we live in a very complicated world in which broadcasting is not merely a matter for a radio or television. Matters are broadcast on social media instantly and constantly and in different limited and extensive ways. Damage and permanent harm can be done in a way that we may not have envisaged in the drafting of legislation here. I stated that we live in a new world and I am conscious that young people in particular live in an online world now. Previously unthought of dangers and challenges exist. I am very grateful for the support the Minister gave to recent legislation to establish a new criminal justice framework for the operation of such things as bullying, harassment, the dissemination of intimate images and so on online. Fundamental to all of that is educating young people in particular about the dangers of online communications. There are predators out there who lure people in and the best efforts of family members cannot always protect children from that. In recent murder cases, thankfully not so much in this jurisdiction but in neighbouring jurisdictions, often begin with the victim being groomed and lured into circumstances online. That is something we need to be mindful of as we develop our own legal frameworks.

The mental health of young people is extremely important, particularly in this time of Covid. I spoke to one GP in my constituency during the week. She told me that the most alarming thing she is dealing with is the rise in psychological problems of teenage girls in particular - boys too - who are under incredible stress. Much of that relates to their online life living in lockdown. There are new dangers that we need to be alert to and, through our public health system, responsive to.

We also need to reflect on our attitude to young offenders. It is only relatively recently that we built new institutions such as Oberstown and did away, thankfully, with the juvenile detention that we had in St. Patrick's Institution which was entirely unfit for purpose. However, we need to reflect to ensure that institutions such as Oberstown are properly supported and resourced and that they are linked into the community in a real way. We have to think of the victims of crime, the families at the heart of this legislation about whom we are thinking now. When the trial is over and someone is convicted for the heinous murder of a child, the family goes about its business without real support from the State thereafter. That is something we really must think about. While our supports during the trial processes have improved, the families remain third parties. They are neither the accused nor the prosecution but witnesses, even though, fundamentally, they are at the core of it all. When it is all over, what do we, as a society, do to support and assist them? We need to develop better supports for them.

There are victim liaison supports available. In Oberstown, for example, victims of juvenile crime can link in to Oberstown and at least be alerted to release dates of those who have perpetrated crimes against them or their families. That is an important and ongoing liaison that should happen. It would be a terrible shock for people to discover the perpetrator of a dreadful

crime against their family walking down the street without knowing and being prepared for the shock of that. As well as introducing robust criminal law, we need to think about how we better support the victims of crime who are often third parties in a very legalistic system. We support, through legal aid and otherwise, those who are accused and need to put up a defence and the prosecution service is supported by the State to prosecute a crime. However, the victims are often the one party in all of this who are left to fend for themselves with the support of immediate friends and family. On an ongoing basis, I can only imagine how profoundly damaging that can be. We need to reflect further on the types of supports that we give in those circumstances.

I support the legislation because the changes envisaged are required. I am not certain that they do what most of us want the Bill to do, namely, to restore the pre-court determination and the interpretation of the Children Act, as we understood it, prior to the decisions of the High Court, to be endorsed by the civil Court of Appeal. Can the Minister reassure the House that it does that? Does it open any other avenues to other interpretations or complications? It reads as a rather complicated set of amendments that constitutes a new section of the Children Act. I look forward to hearing the Minister's response and to teasing out these matters more fully on Committee Stage. I understand the Minister's point about the need to move with speed and alacrity. We support her in that but equally important is the requirement to get this right so that we do not have to return to this matter once again.

I join with others in wishing the Minister, Deputy McEntee, well for her short sabbatical as she and her husband prepare for the arrival of their new child. I wish her every joy, success and happiness. I look forward to working with her again on her return to office.

**Deputy Jennifer Murnane O'Connor:** I also wish the Minister the best on her maternity leave. I hope she takes care of herself.

I called for section 252 of the Children Act to be amended to allow for the identification of deceased children who are victims of crime. My colleague, Deputy Jim O'Callaghan, and I published legislation similar to this Bill. I commend Senator McDowell on sponsoring the Bill, which will achieve what we set out to achieve. I also thank the Seanad for progressing Senator McDowell's proposed amendment so quickly. This will allow grieving parents to speak publicly about their deceased child and remember them the way they want to. It will ensure that parents will be free to refer in media reporting to the names of their deceased children who have been victims of crime and also remove the restrictions on the reporting of the identity of the accused or convicted persons in such cases where restrictions applied because reporting of the child's identity might lead to the identification of the deceased child victim. However, this will not operate to undermine the provisions of section 252 if another child is in need of its protection, nor undermine the provision of section 93 of the Act in particular, which protects the identity of a child who is the accused or convicted person.

It is important in the grieving process to remember a child by name. The Court of Appeal ruling in October that a dead child cannot be identified when someone is charged with killing the child meant that a person charged with a child's murder or manslaughter cannot be named if by doing so the child would also be identified. This led to enormous trauma for the families left behind. The Oireachtas never intended to prevent the identification of children who were victims of homicide. The October decision created legal anomalies but the court did not have an option to rule otherwise. The unintended consequence of the ruling was that victims and their families were silenced. It meant that the families of children who have been victims of domestic homicide could no longer speak publicly the names of their children killed and, con-

sequently, the name of the perpetrator as to do could identify the children. I have met families affected by this legislation who have gone through such loss. I know for them the importance of keeping the memories of their loved ones alive, so it is vital that we move quickly to enact this legislation.

It is important that I mention my good friend, Kathleen Chada, from Carlow. She has been speaking to Senator McDowell and Deputy Jim O'Callaghan about this issue. Kathleen proudly speaks about her two boys and I know how important this legislation is for her.

*5 o'clock*

The interpretation of current legislation is seen as yet another way to protect the perpetrator and silence the victims. Those who had serious crimes committed against them as children had the ability to make a choice about revealing their identity removed under this ruling. That was also wrong.

I urge the House to adopt this Bill to give families back the ability to name and remember their children publicly. I strongly support the legislation. My understanding is that it could take three or four weeks for the House to pass it. It is important that it go through the House as quickly as possible.

**Deputy Emer Higgins:** I speak today on behalf of Andrew McGinley, one of my constituents. Last year, Andrew tragically lost his three beautiful children, Conor, Darragh and Carla. I was among the hundreds who gathered outside Rathcoole Church to pay my respects on the loss of these three young lives. The outpouring of community grief was like nothing I had seen before. The heartache was like nothing I had experienced before. The sight of three white coffins is something which will haunt all of us who were there.

I do not know how Andrew got through his eulogy. In it, he promised his children that their lives would never be forgotten and they absolutely have not been. One of our local crèche in Rathcoole, the Happy Feet Early Learning Centre, has honoured the memory of Carla and her sense of imagination and creativity through a playground which it has called Carla's Kingdom. Andrew has honoured Conor's memory through his social media channel, Conor's Clips, which shows the fun, the love and the light that his three children brought to this world.

There is so much more that Andrew wants to do to honour their memories and he has big plans which he will announce on Darragh's birthday. However, the current laws on reporting stop Andrew from speaking the names of his children in the media. Andrew has described being in that unthinkable situation. He said that the pain of not being able to talk publicly about his own children has been almost as painful as the circumstances of their deaths. Let us just think about that for a moment. Andrew does not believe that the law intends to cause pain, and I do not think any of us here believe that either. The reality, however, is that it has done exactly that. It is crystal clear that this law needs to be changed. I thank the Minister for making this happen. I also thank Deputy Jim O'Callaghan and Senator McDowell for all they have done on this issue as well. This Bill will change things. It will change things for Andrew and all those in his position, for his children and other children, for all those who deserve to remember and all those who deserve to be remembered.

**Deputy Catherine Murphy:** I too broadly welcome this Bill. I thank the Minister and Senator McDowell for their work and the speed at which this legislation has been brought to the House. We all appreciate the urgency in correcting this issue. It is also welcome to see the

11 March 2021

Government supporting a Bill from the Opposition and that Members are working collaboratively to strengthen legislation, especially in a case such as this. We are all united in a common purpose and I do not think anybody here will oppose the Bill.

As others have said, this legislation became necessary because of the decision of the Court of Appeal last October when it ruled that reporting restrictions on the identification of children who have been victims of a criminal offence also apply where the child is deceased or has turned 18 years. In the case of the young lad this morning, one only has to do a Google search to discover his name was Keane Mulready-Woods. He will never turn 18 and cannot be named publicly for legal reasons. His murder was particularly horrific and a search is ongoing. That young man lost his life and not naming him dehumanises rather than protects him.

Most of us do not understand the logic at work here. This ruling also comes into effect once a person has been charged with killing a child. We saw that not long ago in the case of Josh Dunne, who was aged 16. He could be named initially and his name was in the public arena. We also saw events to celebrate him as a talented footballer and how much he meant to his family, his friends and the community. Once a person was charged in that case, suddenly he could no longer be named. Those are the immediate cases we have seen.

We now have a situation where in the immediate aftermath of an unimaginable tragedy resulting in the killing of a child, families and communities cannot grieve publicly or share the memory of a child. An oppressive wall of silence comes down once someone has been charged and it is only right that we try to deal with that. Parents can no longer identify their child by name, use a picture or refer to details of the child's life if it might identify him or her. Those parents will never be able to publish or broadcast their child's name and that restriction continues beyond the trial in respect of events to remember a child. That is very tough and other Deputies have mentioned similar cases.

Another consequence of the ruling is that the media are prevented from identify an adult charged with a murder if there is any chance that might identify the victim. The position is different if the person charged is a child. Generally, this means that only perfect strangers who are convicted of killing a child can be named and never close relatives or associates. Unfortunately, we know that the vast majority of homicides are committed by people known to their victims. This means that child murderers who are adults are largely shielded from the public, while we continue to know the names and faces of those who murder adults. There is a clear distinction there.

The wording of section 252 of the Children Act 2001 is clear. It is difficult to imagine how a court could have ruled otherwise and how a judge could reasonably argue that the word "child" does not apply to a deceased child. I found that difficult to absorb and process. The ruling had devastating consequences and overturned decades of practice. The ruling is putting the parents and loved ones of murdered children through added trauma at a time of unimaginable hardship and grief. This was of course unintended by those who wrote the Children Act 2001. There is an obvious and vital need to protect children who have been the victims of crime and abuse and must go through court proceedings and relive their trauma. No one would argue against their right to remain anonymous and to be shielded from public scrutiny. However, no one intended for this practice to apply to children who have been murdered. Those are children who will always remain children and will be denied the right to be adults and to speak for themselves.

In every tragic case between the enactment of the 2001 Act and last year, where families

wished to do so, we listened as we were told the stories of their children. We heard about their personalities, hobbies and dreams for the future. We heard their names, what they meant to their families and why they needed justice for their children. The families spoke of their grief and it is important that people understand that. We often use words inappropriately. For example, it is described as “devastating” when somebody loses a football match. It is only when one sees people in this kind of scenario that one realises what the word “devastating” really means. The killing of a child absolutely ruins lives.

A criminal trial does not tell the story of a victim; it determines whether the accused is guilty or not guilty, which in itself can be harrowing. So often, the essence of a person or child at the heart of the trial is lost. The details heard by the public are often clinical and dark, telling us nothing about the child who was murdered or telling us, as has happened, what the murderer thought of the child, which can again be very difficult for a family to listen to. Those children can no longer speak for themselves, so it is their parents who have to step forward in the midst of their grief to correct the public record or to eulogise their child. Over recent months, parents have been stripped of that right to speak publicly about the memory of their child, and likewise, children have been stripped of their right to be remembered. In the past few weeks, there was a case where the child’s name could not be mentioned. All the footage focused on the hands of the parent trying to express how important that child was and how they did not want them to be remembered for what had happened to them but rather for what they meant to the parent.

This issue needs to be rectified without delay. The State has inadvertently put families through immeasurable trauma, although I fully accept that the legislation was passed without foresight that this would occur. The aim of the Bill must surely be to return to the practices that existed before the ruling or even to improve on matters. If there are to be revisions, it may be that the reporting of some court evidence relating to a deceased child will not occur, especially when it is offensive or disrespectful or, in some cases, will add substantially to the trauma of the surviving family members. There have been examples of this and there is a very negative public reaction to that type of reporting. We need to ensure that families can refer in media reporting to the names of their children without the need for a court order, that the perpetrators can be named and that the Bill will apply retrospectively, an issue the Minister might address. I accept it has not been a long time since the court judgment issued but it has impacted on certain families. Parents have been silenced over recent months. What will happen when the restrictions are lifted by this legislation? In many cases, legislation does not apply retrospectively, but we need some assurances on that.

While we are all in agreement that this legislation must be passed quickly, we must also take the greatest possible level of care in considering its wording. We are here to rectify the unintended consequences of how the Children Act was interpreted and it is vital that we do not have to return in months or years to undo something in the legislation before us. I have some concerns that rather than returning to the previous practices, the Bill may introduce new restrictions in regard to the naming of deceased children where they did not previously exist. I refer to cases that involve another living child, either as a witness or as the perpetrator. In cases where the perpetrator is a child, the provisions under the principal Act are clear. It is my understanding that we are here to ensure that parents and the media can identify a deceased child automatically, without the need for a court order.

Within the Bill, however, there are stipulations that this provision will not be dispensed with in cases where another child is involved, and the Minister outlined a couple of scenarios in that regard. Imagine a case where the best friend of a child is a witness to their murder and

the particular details of the case could result in the friend being identified. The parents of the friend, entirely reasonably, may wish for their child to remain anonymous, while the parents of the deceased may want to have their child publicly identified in order that they can hold remembrance events and so on. Even a publication such as a local newspaper identifying such an event could be problematic in that case. Are we to understand that the court must rule in favour of one child against another, that the parents could be pitted against each other and that the parents of the deceased child could still be silenced? It is important that the Minister address some of these points.

The Bill makes reference to section 93 of the Children Act, which relates to cases where a child is the perpetrator of a crime. What happens in such cases? The anonymity of a juvenile offender is enshrined in law, as we know, but does this mean that the parents of children killed in often horrific circumstances cannot automatically name their child and must await a court order? It is important that the Minister be clear on this. When it comes to interpretation, as we discussed earlier in regard to different legislation, often these debates and what a Minister says will be important in helping with that interpretation, particularly when there is ambiguity. The Minister may wish to comment specifically on those points for that very reason.

It goes without saying that in these circumstances, a court order may not rule in favour of allowing a deceased child to be identified and that a family and the media may once again be silenced. As legislators, we cannot make any assumptions as to how a court will rule in these cases. We need to make sure there is flexibility and balance in this legislation to ensure we are not pitting the rights of one child against those of another. We cannot put more families through the trauma of being forced to remain silent about their child's memory, by being required to have their voice or appearance obscured in order to speak to their grief publicly or by being precluded from engaging in public events in remembrance of the deceased child. Will the Minister outline her understanding as to how cases such as these will be dealt with? Does she believe there is any chance that some families will be forced to remain silent on the memory of their child when they want to speak, in order to protect the rights of another? Nevertheless, I fully understand that some families will not wish to do this. After the Bill had been passed in the Seanad, its sponsor, Senator McDowell, voiced some of his concerns about how it would be interpreted by the media in terms of what would or would not be able to be reported. I am concerned that those points were made even after the Bill had been passed in the Seanad.

The children the Bill concerns have lost their lives by virtue of having been involved in a terrible crime. We are all trying to ensure that their legacy will not be obliterated and that they will not become so anonymous that the tragic circumstances cannot even be recounted. There is also a potential learning for society. The devastation that is seen can be instructive to the rest of society in regard to the impact such a crime can have. People may not know the deceased but they will at least understand the consequences.

The Minister is not here now but I have a very short comment with regard to her pending maternity leave. I wish her well. I know there is another process to take place. Individual cases make poor law. We need law that presumes a woman who is pregnant can take maternity leave. We should plan for maternity leave for women who are involved in politics, not exclusively at the level of the Dáil and Seanad but also for councillors. While valid in its own right, being a councillor is often the way in which people enter this House. If we are to see women coming through, we need to make arrangements at all levels.

**Deputy Jennifer Carroll MacNeill:** First, I acknowledge those families affected by the de-

cision in the case of the Director of Public Prosecution and *EC v. The Irish Times*, Independent News and Media, RTÉ and News Group Newspapers who have not been able to remember their children publicly, although I doubt that a second goes by in which these children are not remembered privately. I acknowledge those families with great compassion. Deputy Higgins spoke about one such family in particular. Their pain and desire to honour their children publicly is central to the efforts by Deputies Murnane O'Connor and Jim O'Callaghan, Senator McDowell and the Ministers at the Department of Justice to bring this Bill forward.

I also want to speak about other families and to offer another perspective on this legislation. I want to speak with compassion for the families in question in a way which I hope does not take away from the compassion I expressed for the first group of families. The other families I want to speak about have a slight concern arising from this case and the impact the legislation we are discussing may have. There are instances in which the unlawful killing of a child results from postnatal depression. In these cases, people may be responsible for the death of their children but are not guilty by reason of insanity. As we know, postnatal depression can be extremely serious. I am thinking, in particular, of two men in my constituency today. One of these men lost his wife as a consequence of postnatal depression and his raising his four-year-old son alone. The other man lost his three-year-old girl as the consequence of an unlawful killing arising from postnatal depression and is now raising his other, younger child alone because his wife is being treated for her illness in a psychiatric services setting. In the latter case, the young girl was, of course, the victim of a crime, an unlawful killing, but we all understand mental illness well enough to understand that the causes of, treatments for and possible recovery from these illnesses can be very different. All of those things are beyond my professional capacity but I believe that the House acknowledges that this issue is complex and sensitive and that the causes and impacts of cases can vary considerably.

There are families who have been impacted in the way to which I refer who want to rebuild their lives following this form of mental illness and, extraordinarily, the death of a child as a consequence of that illness. There are families who have suffered and who have other young children and it is their choice, rather than that of these Houses or me, as to how they choose to try to rebuild their families, if they can at all.

The referendum on children's rights and the insertion of Article 42A into the Constitution, which I had the privilege of helping to develop, recognises children as holders of constitutional rights in and of themselves. The article states: "The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights." One of those rights is the right to a family life and another is the right to privacy. My concern about this legislation, as needed as it is to deal with the first group of families I recognised, is that there is a possibility that, as a result of its enactment, a family with another child which is trying to rebuilding its life in its community could be identified at any time, perhaps when that younger child is two, three, eight, nine or ten years old. In small communities, that can have a very great effect. I thank Deputy Howlin for acknowledging, in part, this point, which I raised with him earlier and for what he said about there possibly being more to this and to the way we approach the issue. We do not want to enact this legislation only for a whole set of unintended consequences to arise. We do not want to see proceedings having to be taken on behalf of young children to protect their privacy and to vindicate their rights to privacy and family life as a result of something that happened to a sibling being reported.

The Minister raised the issue of other children who are affected, whether it is a child witness or a victim to whom the proceedings relate. If we take the scenario of the identity of a child

who was a witness being revealed, Deputy Howlin is correct that it is just not clear whether that situation is covered by the legislation. It is not clear whether one has to be a witness to the actual crime or whether it also covers witnesses in the broader sense of one who is impacted by the crime. I know from speaking to other Deputies there is a concern that what I am saying might result in the identities of a broader range of accused people being protected, which is not what we are trying to do. I am trying to highlight the fact that the effect of this legislation may allow other children who have been impacted by the death of a sibling and who have no desire to be identified by media in any form to be so identified. In this scenario, there is a deceased child and a child witness and the perpetrator may be identified. I do not need to go back into the scenario.

I will ask a series of questions. What will be the effect of the passage of this legislation on the immediate reporting of cases such as that which I have described? I refer to the real practicalities. In a specific case of this kind, would the media have to make an application if another child is involved? How would it even be known if another child is involved or what the effect of that might be? In those situations, would the family be notified that such an application has been made? Would the family need to take a pre-emptive case to protect the privacy of the other child? How can we expect the family to be able to afford the High Court fees involved in such an application? Would it be for the Director of Public Prosecutions to signal at the outset of a new case that another child may be affected?

That is a broader point. My interest is the family at the centre of this case who live in my area, who have suffered desperately and who have asked me to make this representation and to get clarity on this matter. They do not know, if they go into the newsagents in their local village on a given day, whether they will see their case reported and a picture of the young child going to school with his dad. There is enough distress and trauma in their lives without that additional distress. I ask that the Minister of State clarify the effect of the Act in this case and the particular procedural steps that family and others may need to take. I appreciate the broader interests of this Bill, with which I agree. I should say that the family also does. This net point on the privacy of the other child is, however, really important and we need more clarity on it.

**Acting Chairman (Deputy Bernard J. Durkan):** The next group to speak is Solidarity-People Before Profit. Deputies Boyd Barrett and Barry have 20 minutes to share but I will have to interrupt their contribution in four minutes.

**Deputy Richard Boyd Barrett:** Our group is not speaking on this Bill.

**Deputy Jim O'Callaghan:** The first thing I want to do is to wish the Minister well on her pending maternity leave. It will be a very happy time for her and her husband.

I commend the Government for bringing forward this legislation. As was mentioned earlier, I initiated a Bill earlier in this Dáil term which is still before the Dáil, but I welcome the recognition that this legislation needs to be changed. It is important to get this right because one can be sure that this legislation will end up before a judge of the District Court, the Circuit Court, the High Court or, indeed, another appellate court in the very near future. It is, therefore, absolutely crucial that we get it right.

The provisions seek to amend section 252. Under the current section 252(1), a child victim or child witness cannot be identified in proceedings. We all agree with that but difficulties have arisen because, in recent times, since the Court of Appeal decision, children who have been the

victims of unlawful killings and who are no longer alive are also covered by this section, which was never previously the case.

We all agree in this House that children who have been unlawfully killed should not be covered by the provisions of section 252(1). The Government proposes to amend that through the introduction of subsection (1A), which states:

Subsection (1) shall not apply

[...]

[...]

relating to a child where—

(a) the proceedings concerned relate to the death of the child, and

(b) such publication or [reporting] would not result in [a child witness or a child accused being identified]

Under the law which we are talking about introducing, a deceased child cannot be named if doing so could identify a child witness or a child accused.

Let us think of examples of how that could occur. Unfortunately, we will have examples where a child will be killed in the future and where there will be a child witness to those proceedings. We could also have a situation where a child could be killed and the accused could be a child. At present, in accordance with subsection (1), the deceased child cannot be named and that will apply if subsection (1), which is in the amending legislation, is enacted. In her speech, the Minister said that we will get around that because subsection (2) has also been amended and because a new subsection (2A) has been put in. Let us look at what that subsection states. It states:

Subject to subsection (6), the court may dispense to any specified extent with the requirements of subsection (1) [It does not mention (1A)] if it is satisfied that it is appropriate to do so in the best interests of the child.

The Minister needs to look again at the fact that we have two subsections within this section which provide for a deviation from subsection (1). We have subsection (1A), which states that subsection (1) shall not apply in the circumstances I have set out already and we have subsection (2) which states that the court may dispense with the requirements of subsection (1A) if it is in the best interests of the child to do so. That must be a reference to the best interests of a child witness because it cannot be a reference to an unfortunate child who is deceased.

Most alarming of all is the new subsection (2A) which states:

The court shall not, in accordance with subsection (2), dispense with the requirements of subsection (1) in respect of a child where to do so would [identify a child witness or a child accused]

In a way it is contradictory and I would ask the Minister to look at it on Committee Stage. It is important that we recognise that if the Bill goes through as it is as present, it will simply mean that deceased children cannot be named if doing so will identify a child accused or a child witness.

11 March 2021

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy still has a minute to go. I was counting ahead of the time.

**Deputy Jim O’Callaghan:** Can I continue?

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy can have two more minutes.

**Deputy Jim O’Callaghan:** The Acting Chairman interrupted me at the crucial part of my speech.

**Acting Chairman (Deputy Bernard J. Durkan):** I know the Deputy was in full flight and I apologise for that because I hate to stem the flow of a speech.

**Deputy Jim O’Callaghan:** I presume that was an unintentional mistake.

The point I was making before the Acting Chairman interrupted was that we need to look at this again. The purpose of section (2A) is that it will provide the mechanism for the court to get out of a situation in which a child witness or a child accused may be identified. The reality of it is that when one looks at section (2A), there is no discretion given to the court because it states that the court shall not dispense with the requirements of subsection (1) in circumstances where it can result in the identification of a child witness or a child accused.

I always prefer to commend the work of others but my view is that the Bill I drafted would be more effective, simpler and more comprehensible. It should not be the case that legislation has to simply be comprehensible to lawyers, legislators or judges. It should be comprehensible to the ordinary man and woman on the street who is reading it. I would recommend to the Minister that subsection (1A) should be amended so that we simply include paragraph (a) of that subsection and that we would put a full stop after “the proceedings concerned related to the death of the child”. We already have statutory protections in respect of accused children and in respect of children who are witnesses, subsection (2) will facilitate that.

The Acting Chairman is stopping me again. I was told I have 51 seconds left.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy still has a minute or so if he moves the adjournment of the debate.

**Deputy Jim O’Callaghan:** I would delete subsection (2A) as well. I thank the Acting Chairman for not listening to me.

Debate adjourned.

### **Young People and Access to Further and Higher Education: Motion [Private Members]**

**Deputy Richard Boyd Barrett:** I move:

That Dáil Éireann:

notes that:

— Covid-19 and public health restrictions have imposed significant hardship and sacrifice on young people, students and all those in education, seriously diminishing the educa-

tional experience and negatively impacting on mental health and general wellbeing;

— even before the Covid-19 pandemic, this cohort of people faced very significant stresses and hardships, including:

— the serious stress and anxiety among students generated by the Leaving Certificate and intense competition for access to apprenticeships or places in the further and higher education courses of their choice;

— an unacceptable level of social inequality in accessing third-level education, where, for example, 99 per cent of young people living in Dublin 6 go on to higher education, while only 16 per cent of those from Dublin 10 continue in education after school;

— widespread poverty and financial hardship among many third-level students, particularly because of extortionate rents for accommodation in both purpose-built student accommodation and the wider rental sector;

— the financial hardship imposed on many undergraduate students and their families by having to pay €3,000 per year in registration fees and a full cost of up to €7,000 for many, the highest across the European Union (EU);

— the inadequacy of the Student Universal Support Ireland (SUSI) grant system, where too many students are ineligible, and the grants do not cover the full costs of education;

— the significant additional costs of third-level education also include textbooks that often must be bought new, IT, vaccines for those training in the health professions, uniforms, travel and transport etc.;

— many groups of students having to work without pay on placements, including student nurses and midwives, social care students, allied healthcare trainees and others;

— an alarmingly high number of students suffering poor mental health and depression, where, for example, a recent National University of Ireland Galway (NUIG) survey showed that a third of all their students were suffering from depression;

— one in six students dropping out of university in their first year;

— students who live in digs and private student accommodation being classified as ‘licenceses’ or subject to private contracts rather than being ‘tenants’, and not being governed by the Residential Tenancies Act 2004, and being denied access to the Residential Tenancies Board;

— extremely high postgraduate fees and difficulties with visas for non-EU students;

— the €16,000 plus, per year, fees for some courses such as Graduate Entry Medicine, Dentistry and Pharmacy;

— PhD stipends set at a dreadfully low level, far below a living income, even with the increase in the Irish Research Council’s Postgraduate Scholarship

Programme stipend in 2021;

— PhD researchers and other postgraduates being treated as students and not workers,

despite their indispensable role in research and teaching in all

higher education institutions, with responsibilities of PhD and postgraduate students having grown as a result of reduced Government funding to third-level institutions; and

— widespread precarious working conditions, with temporary, short-term badly paid contracts for those working in higher education, and with over 50 per cent of lecturing staff and 35 per cent of lecturers on temporary or part-time contracts and ‘hourly paid staff’ not being entitled to sick leave, maternity leave and excluded from the unfair dismissal protection;

believes that:

— after the hardships and anxieties impacting young people during Covid-19, the Government owe a particular debt and have a particular obligation to support our young people and students;

— the Government expenditure on third-level education is inadequate at less than 0.6 per cent of Gross Domestic Product (GDP), with the latest Universitas21 study finding that Ireland is 46th out of 50 comparable countries for the level of Government expenditure as a share of GDP when it comes to third-level investment, a fall of 29 places since 2017;

— higher and further education is reliant on big business to fill the gaps in funding, with areas of study such as humanities, languages and social sciences, deemed to not bring a profitable return and not getting the investment needed, and the courses and what is studied in courses should be determined by academic interest and not by profit;

— due to limited places on third-level courses, with approximately 80,000 people chasing 52,000 places with the Leaving Certificate, and with the Central Applications Process (CAO) points system playing a role in rationing out places in third-level institutions, the system operates as a crude market mechanism where students are pitted against each other, and as such is riddled with unfairness, especially for those from low and middle-income backgrounds, who have additional needs and face other barriers such as disability, racism, sexism, homophobia and transphobia, and is a system that distorts education at second and third-level;

— there is a direct connection between the level of educational achievement and the life and career opportunities available to those after they leave education and seek to access the workforce;

— access to the highest levels of education should be a right for all and that access to third-level should be seen in the same way as access to second-level was in the late 1960’s, when second-level was expanded for all;

— with the ceaseless development of science, technology, innovation, artistic and cultural endeavour in the modern world, it makes no sense to limit or ration access to higher levels of education or to impose financial or other barriers to completing such education; and

— it is in the interests of our society to remove all obstacles, provide all the supports and all the needed investment to ensure the maximisation of human potential through education; and

therefore, calls on the Government to:

— abolish the Leaving Certificate Examination as an unnecessary stress on young people, a distorter of the education system and a barrier to accessing higher education and the life opportunities that flow from it;

— provide open access for all to higher education courses or apprenticeships of their choice, without fees or barriers;

— expand the number of higher education and apprenticeship places to meet demand (approximately 25,000 additional places), increase academic staffing levels commensurately, and introduce more omnibus entry courses, especially in areas where there is high demand;

— end the reliance on big business to fill the gaps in funding from central Government;

— invest to expand further education access programmes, to increase the participation of those from disadvantaged areas, marginalised groups or communities;

— commit to supporting the Union of Students in Ireland (USI) Education for All pledge to end fees, cut rents and increase student supports;

— end the ‘study now, pay later’ and ‘earn and learn’ policies and move to a publicly funded higher education at the heart of the Government policy;

— abolish all registration fees and tuition fees for all apprenticeships, undergraduate and postgraduate courses, and increase grants and supports to cover the real cost of education;

— return fees paid by students for the academic years affected by Covid-19;

— extend the Back to Education Allowance to cover postgraduate courses, allow students to be eligible for the Housing Assistance Payment and restore Job Seeker’s Allowance rates for young people to the standard rate, and extend other social welfare supports, such as the Working Family Payment, to those in education;

— provide free access for all students and apprentices to counselling and personal education services at the point and time of need;

— fund and staff Child and Adolescent Mental Health Services teams, to the levels recommended in *Sharing the Vision: A Mental Health Policy for Everyone*;

— pay students properly for work on placements, including student nurses and midwives, students of social care, allied health professionals and others who are doing genuine work while on placement, while protecting the degree status of these courses, and work with student representatives and CORU to resolve the issues of placement requirements that have emerged as a result of Covid-19 limiting placement hours available;

— recognise PhD researchers as workers, not students, with contracts of employment outlining major research and teaching responsibilities, collective bargaining rights and public pension contributions, paying at least a living wage;

— comprehensively integrate access routes and student supports from second-level and further education, through to higher educations;

11 March 2021

— end precarious working conditions for all academic staff, hiring the 11,200 staff, mainly women, currently on these short-term/part-time contracts;

— urgently commence a major publicly funded programme of building genuinely affordable, publicly owned student accommodation and establish a charter of student/tenant rights; and

— abolish the licensee classification and the private contracts for students living in private student accommodation or digs and give full tenant rights to all students.

**Acting Chairman (Deputy Bernard J. Durkan):** Is Deputy Boyd Barrett sharing time?

**Deputy Richard Boyd Barrett:** I am sharing with Deputies Paul Murphy and Gino Kenny. I am taking eight minutes, Deputy Paul Murphy is taking eight minutes and Deputy Gino Kenny is taking four minutes.

**Acting Chairman (Deputy Bernard J. Durkan):** The Deputy has it all worked out. Fair play.

**Deputy Richard Boyd Barrett:** The socialists are extremely well organised. We are also trying to be ahead of the curve with this. It is sometimes frustrating in this place because there is great interest in the barneys and the Punch and Judy show. However, there is not so much interest when Deputies are trying to put forward what I would consider in this motion on higher and further education to be positive proposals for a radical overhaul of the way in which people can access higher and further education and apprenticeships.

The proposals we are making would be important at any time but they are even more important in the context of Covid-19 and the huge suffering, hardship, stress and anxiety that huge numbers of people have suffered in recent times. The people who have suffered most are those who have lost loved ones. Those who are working on the front line to deal with the pandemic have maybe suffered the greatest stresses. Coming quickly after those are a cohort of, mostly but not exclusively, young people. For them, the question of education relates to: the leaving certificate; access to further and higher education and apprenticeships; and doing masters and postgraduate work. I also mention people who, for example, may have lost their jobs or livelihoods, possibly permanently as a result of Covid-19 and who may wish to go back to education to reskill and retrain in order to find a way forward, a new livelihood and a new future in the post-Covid era.

What the Department does in this area of education, particularly in access to further and higher education and apprenticeships, will be critical in the post-Covid future although it was always important. If much of the rhetoric we have heard across this House about learning the lessons of the pandemic and moving to a new future are to be taken seriously, they have to be fleshed out in meaningful plans and policies that will make life better for people and that will pay them back and reward them for the sacrifices, stresses, anxieties and hardships they have endured during Covid.

That is not the case for many of those people. Let us think of a few of them. The leaving certificate students have been through hell, to put it bluntly, and they are still going through hell. That stems from the fact that we have an exam which was putting extreme stress on young people long before Covid. It was a winner-takes-all and one-size-fits-all system which is completely inappropriate for the world we live in and which puts extraordinary stress on young

people, to little purpose that I can see. If that was true pre-Covid, it is doubly true now. All of that stress mostly revolves around the fact that there are not enough places in higher and further education and apprenticeships. Therefore, they are forced into the CAO points race in order to move to the next level of education. I raised this matter with the Tánaiste and he basically said that it was a nice idea, but not really practical. I do not buy that for a minute. I want the Minister and others to ponder this because sometimes we do not see the wood for the trees. We find all the excuses for not doing things. Excuses are still made in the North about things like the 11-plus which is an horrendous barrier to put at the end of primary school and determines what type of secondary education a student gets. Any decent progressive person would say that it is horrendous to have a hurdle over which a student must jump at the end of primary school which may determine their entire future.

It is equally horrendous that not so long ago, it was expected that children in some sections of our society would just go to primary school and would not go to secondary school, and that secondary school was some sort of privilege. Later, the expectation was that large numbers of people would drop out at the age of 16. Donogh O'Malley decided that we needed to open up secondary education completely and make it free for everybody from 1969. I am sure there were naysayers then, as there always have been.

It makes no sense in the world we live in, especially when we think about the stress our leaving cert students are experiencing as a result of the exam and the Covid pandemic, to give them a hurdle to jump over to access the higher and further education course or the apprenticeship of their choice. The only reason for that rationing is that there are not enough places. Some 80,000 people have applied through the CAO system, but we only have 55,000 places. What do we need in order to remove that stress from young people that takes such a serious toll on their mental health? We need 25,000 extra places.

We also need to remove the financial obstacles preventing people taking up those places. Ireland has the highest fees of anywhere in the European Union now that the UK has left. The fees are €3,000 and €7,000 for many. The fees for some postgraduate courses are shocking. It costs €15,000 for graduate entry in medicine, pharmacy and other areas. For other postgraduate courses there are incredibly high fees, stipends that are not living stipends and, in many cases, postgraduates working for free. All these people are suffering the extortionate high cost of accommodation because of the lack of affordable student accommodation. There are high drop-out rates as a result, with one in six people dropping out of college in first year. There are very high levels of mental stress, mental illness and depression. A survey by the NUI Galway students' union found that one third of students in NUI Galway said they were suffering in that regard.

I will conclude now but will come back in later. We are saying that all the barriers should be removed. The fees should be scrapped. The leaving cert should be scrapped because it represents a mechanism for stopping people from getting into higher and further education. The Government should support our students financially and in every other way to reach the highest level of educational achievement they can achieve.

**Deputy Paul Murphy:** When I read the Government's amendment to our motion earlier, I thought that George Orwell had been resurrected and put to work. I am sure he would not want to be writing Government amendments. In *Nineteen Eighty-Four*, the slogan of the regime famously was "War is peace; freedom is slavery; ignorance is strength." The Government's amendment suggests that what are the highest fees in the EU are free fees. The free-fees scheme that is lauded in the Government's amendment ignores the reality as has been pointed

out of the highest level of fees for third level education in the EU.

Covid has shone a light on many unsavoury parts of our society and has laid bare realities about the class-based nature of the society in which we live. It has definitely done it in the case of education. It has highlighted the abuse and exploitation of student nurses working for free but has also shone a broader light on the reality of free labour not just by student nurses, but also by others. It has shone a light on the precarious, insecure and low-paid conditions of more than 50% of those who are working in our third level institutions. It has highlighted very clearly the inhumane, horrific and anachronistic system of the leaving cert. It has also shown that we do not need it.

Our motion and the Government amendment reflect two very different visions of how our education system should be structured and what it should be aimed at. The Government's amendment fundamentally defends the *status quo*. It sees education as a mechanism to train workers up for the profit maximisation of corporations in the future. It defends a system which is absolutely steeped in inequality. It reflects the inequality that is in society generally and then it is accentuated.

It stands over a system where 99% of young people who grow up in Dublin 6 go to third level institutions when it is only 16% for those in Dublin 10. Those figures can be replicated in different parts of Dublin or different parts of the country. It stands over this anachronistic and entirely unnecessary system of the leaving cert which puts incredible pressure on young people's mental health. It charges people at least €3,000 a year for third level education, and for international students the fees are many times that amount. It does not provide the necessary grants for people to be able to live and it exploits free labour across the board but in particular from postgraduate researchers.

The alternative put forward by our motion is a vision of education as a right rather than a privilege and as a public good where we do not ration access to third level education; where there is a place in third level education for everybody who wants to have it; where we do not have fees; where we actually have free fees as opposed to the name "free fees" hiding a fee of €3,000 or more; where we have living grants that are sufficient for people to be able to survive on; where we protect the tenant rights of students; and where we pay researchers for the work they are doing.

I listened to the response the Tánaiste gave Deputy Boyd Barrett earlier. Basically, he suggested that this was all unrealistic stuff. Fundamentally what he meant was we cannot afford this. It is a political choice by the Government to claim we cannot afford to get rid of fees for third level education, which would cost only €250 million and to do it for postgraduate students would cost a further €66 million. It is something that we in the socialist left have included in our budgets every year. However, the Government makes a political choice not to prioritise and not to open access to third level education in this way while it simultaneously claims not only that we can afford not to charge the big multinational corporations, such as Apple, basically any tax at all in this country, but that we have to do so. We can afford pay rises for Deputies and can afford extraordinarily high rates of pay for the Secretary General in the Department of Health, the head of the HSE and so on.

As socialists, we favour making a very different political choice. We favour using the wealth in our society to benefit the vast majority of people as opposed to those who own the means of production - the big corporations - and shaping education for them. There are many

examples that can be given to show the wealth exists for us to be able to do this. I wrote an article recently outlining the case for a Covid tax. In a number of ways we could raise over €20 billion in terms of trying to tax some of those who have benefited from the Covid situation. The point is, the wealth exists to do it. It is a political choice not to do it.

I congratulate the Union of Students in Ireland, USI, for the Education for All campaign. In a way, this is a part of that campaign which was launched last week. It is clear this motion will be voted down by the Government. Presumably, unfortunately, the Green Party Deputies will go along with that, together with the Fianna Fáil and Fine Gael Deputies, but that is not the end of the campaign. The reason nominally free education - the free fees in terms not of the capitation fee but the original fee - was done away with is precisely because there was a student movement which pushed for it. That is what we need to build again.

I will conclude with one point on the postgraduate workers, which I have raised a number of times with the Minister. It is a disgrace that our universities are using unpaid labour by way of postgraduate workers and the Government is turning a blind eye to it. Last October, the Minister admitted it was common for PhD researchers to have to do five hours of teaching a week. Nobody should be working unpaid in our universities. It is time to recognise the work of these postgraduate workers, not just their teaching work, but their research work, and to pay them a living wage with proper employment contracts and rights. The Minister said previously to me he would be happy to engage with the Postgraduate Workers' Alliance and he spoke about a group bringing people together, but the alliance has not heard anything further on it. Will the Minister make contact with the Postgraduate Workers' Alliance?

**Deputy Gino Kenny:** The Minister recently stated he wants to see access to third level education for all. That is very admirable, but is it achievable? Covid has shone a light on many areas over the past 15 months. In particular, it has shone a light on a leaving certificate that is outdated and antiquated. The intense competition for third level places shows up the leaving certificate for what it is. It defeats the purpose of education. Education is supposed to be enjoyed. It is about educating ourselves. The leaving certificate has become something very different. It is a points race for those who want to access third level education.

Education should be open to all regardless of income. Education inequality goes to the heart of income inequality in this country. Deputy Murphy spoke about postcodes in Dublin. The following is a great example in that regard. A student living in Dublin 6 has a 99% chance of going on to third level education, whereas for a student living in Dublin 10, the chances of going on to third level education are 16%. Even in terms of postcodes, particularly in Dublin, there is educational apartheid. This is applicable across the prison system as well in that the vast majority of people who are in prison are from certain areas of Dublin. This goes to the heart of the class system.

I want to speak about my own experience. I sat my leaving certificate examination in 1990, which is 31 years ago. Less than 3% of my class went on to third level education. In 2020-2021 more than 30% will go on to third level education. That is very positive. There are a number of factors at play. The culture has changed in working-class areas, access to education has changed, especially around institutes of technology, ITs, and the culture of the school has changed, with teachers now telling students they can be good and that they can go beyond what they are. There are still many barriers to access to education in terms of income and fees. Even when in that education sphere, there are still barriers for working-class students.

11 March 2021

On the CAO points and places for nursing and midwifery, the Minister should take on this issue during his time as Minister with responsibility for education. Incredibly, there are 1,800 places available on the nursing and midwifery course, yet 6,000 students chose it as their first preference, which means that course is oversubscribed. Students want to engage in that vocation. They have seen in the past year in particular how that vocation has stepped up to the plate and served us all. If the 1,800 places were doubled to 3,600 places, we would gain 1,800 additional nurses, who on qualification could be offered a €10,000 per annum incentive to remain in the Irish public health system. This is done in Scotland. These are good things we can do rather than continue to recruit nurses from different parts of the world, although those who have come here have done amazing work. Let us look to what can be done to keep our nurses here rather than emigrating.

**Minister for Further and Higher Education, Research, Innovation and Science (Deputy Simon Harris):** I move amendment No. 1:

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

“notes that:

— the establishment of the Department of Further and Higher Education, Research, Innovation and Science is a clear demonstration of the strength of the Government’s commitment to deliver on the far-reaching goals for the entire tertiary education system strongly articulated in the Programme for Government - Our Shared Future;

— at the heart of this commitment, as set out in the recently published Statement of Strategy 2021-2023 for the new Department, is the objective of ensuring that Ireland’s further and higher education and research systems support everyone, regardless of their age, gender or address, in achieving their full potential;

— the Covid-19 pandemic has disrupted the lives of young people but, in general, both young people and students continue to respond superbly, adopting new approaches that ensure the continuity of their learning and demonstrating high levels of attention to public health guidance to ensure their own safety and that of their friends, families and communities;

— a comprehensive crisis response has been implemented across the further and higher education sectors, involving a partnership between the Government, educational institutions/providers, staff and students;

— continuity of education and research has been maintained throughout the pandemic with provision primarily online other than where onsite attendance is essential;

— in summer 2020, the Government provided a €168 million package of supports for further and higher education institutions and students, to cover costs incurred by institutions during the 2019/20 year and to provide further supports for the current academic year;

— this includes expansion of mental health supports through the student counselling service, a doubling of the Student Assistance Fund and provision of devices and other equipment to assist disadvantaged students;

— additional supports were provided in Budget 2021, including a financial contribution of €250 to each full-time undergraduate student in publicly funded institutions cost-

ing €50 million, an €8 million Mitigating Educational Disadvantage Fund for the further education and community education sectors, enhanced Student Universal Support Ireland (SUSI) grant supports for postgraduate students and increased support for the Programme for Access to Higher Education (PATH) access initiative to increase participation in higher education from the most economically disadvantaged students; and

- for the 2021/22 SUSI scheme, the fee grant for postgraduate students will rise from €2,000 to €3,500 and the income threshold for eligibility for these grants will increase from €31,500 to €54,240; and

furthermore, notes that:

— a review of the SUSI scheme has commenced, as committed to in the Programme for Government, which will consider issues such as grant rates, income thresholds, adjacency rates, postgraduate supports and part-time provision;

— the State currently provides very substantial financial support to undergraduate students in higher education towards the cost of their studies and this commitment is demonstrated through the Free Fees Initiative under which the Exchequer currently contributes €340 million to meeting the tuition fee costs of eligible undergraduate students in higher education, and in addition, the Exchequer pays the student contribution of €3,000 per annum in full or part, through SUSI, for approximately 44 per cent of students at a cost of over €180 million;

— a comprehensive economic evaluation of the funding options presented in the report of the Expert Group on Future Funding for Higher Education entitled ‘Investing in National Ambition: A Strategy for Funding Higher Education’ is underway, supported by the European Commission Directorate-General for Structural Reform Support programme, and this review is expected to be concluded over the first half of this year and will support an informed debate on the future planning and funding of higher and further education provision;

— significant progress has been made under the third National Plan for Equity of Access to Higher Education 2015-2021 and work on the development of a new national access plan for 2022-2026 is already underway;

— a National Student Mental Health and Suicide Prevention Framework is in place to address issues of student mental health and an additional €5 million in funding for student mental health supports was provided last year, and the Psychological Counsellors in Higher Education in Ireland (PCHEI) partnership through Text 50808 (a free 24-hour text service) allows students who are suffering from distress or mental health issues to speak with counsellors and access supports, and also a Student and Learner Wellbeing and Engagement Working Group has been established to monitor student wellbeing arising from the pandemic, review the implementation of existing measures and identify further initiatives;

— the Government is fully implementing ‘Sharing the Vision: A Mental Health Policy for Everyone’, including its comprehensive approach to improving the Child and Adolescent Mental Health Services (CAMHS);

— actions taken to support the provision of student accommodation include:

— legislation to extend rent predictability measures to students residing in student-

specific accommodation in rent pressure zones and to bring student accommodation under the Residential Tenancies Board (RTB), giving students access to the RTB's dispute resolution procedures;

— empowering the Housing Finance Agency (HFA) to lend directly to higher education institutions for the development of new student accommodation, with a total of €157 million in loans for higher education institutions approved by the HFA; and

— the active engagement by the university sector on accommodation refunds, with all universities confirming that students who opted to leave their university-owned student accommodation as a result of reduced on-campus activity will be offered refunds or rental credits;

— the National Council for Curriculum and Assessment is finalising its report on reform of the Senior Cycle, and this review will encompass the wider purposes of the Senior Cycle including the aim that it should continue to educate the whole person and help every student to become more enriched, engaged and competent as they further develop their knowledge, skills, values and dispositions in an integrated way, reflecting the fact that higher education is just one of the pathways that students follow after completion of the Leaving Certificate;

— the Government strongly recognises the value and benefit of an integrated tertiary education system with the availability of diverse pathways for all learners and is committed to promoting the complementary roles of further and higher education and facilitating enhanced information for school-leavers and for all seeking learning opportunities, providing a wider choice at transition points and enabling progression pathways across and between different institutions;

— the Government continues to invest to provide additional student places in higher education, with €18 million provided in Budget 2021 for this purpose for the academic year commencing September 2021, resulting in overall investment of nearly €80 million to address demographic pressures since 2018, ensuring that a higher proportion of Central Applications Process (CAO) applicants secure a place on one of their top three CAO options, and these places to meet demographic need are in addition to the 1,330 additional places commencing in 2021, funded through the Human Capital Initiative Pillar 2, which will be on undergraduate courses in areas of priority skills needs;

— the Department of Further and Higher Education, Research, Innovation and Science is working with the Higher Education Authority (HEA), higher education institutions, Quality and Qualifications Ireland (QQI) and professional regulators, to identify further interventions that may be required to assist with additional places, and the Minister for Further and Higher Education, Research, Innovation and Science will update the Government on this in April;

— the Government will shortly finalise an action plan on apprenticeships, promoting uptake in a growing range of apprenticeships as an attractive educational and career choice for increasing numbers of young people;

— a Researcher Career Development Framework has been introduced by the universities and Budget 2021 provided funding for increased opportunities for early career researchers and a 16 per cent increase in the Irish Research Council's Postgraduate Scholarship Programme stipend;

— the Minister has advised the House that his Department is engaged with the HEA and sectoral stakeholders, to gather information on the teaching duties of PhD students and relevant funding arrangements and consideration will be given to this matter by a sub-group of the National Advisory Forum for Ireland’s National Framework for Doctoral Education;

— the Department of Further and Higher Education, Research, Innovation and Science and the Department of Public Expenditure and Reform are currently updating the Employment Control Framework within which individual higher education institutions manage their staffing;

— legislative proposals to reform the Higher Education Authority Act 1971 will be brought forward, to ensure that the higher education sector is enabled to meet the vision for an excellent higher education and research system which is innovative, adaptive and inclusive and which contributes to social, economic and cultural development; and

— this comprehensive programme of reforms clearly demonstrates the Government’s ambition for a high-quality tertiary education system which supports everyone to achieve their full potential.”

I am sharing time with my colleague, the Minister of State, Deputy Niall Collins. I welcome this debate. I genuinely thank Deputy Boyd Barrett and his colleagues for putting down this motion. We have had an opportunity to discuss these issues in the House today and yesterday. I would guess were it not for the Deputy seeking that time, and I acknowledge that, but perhaps also if we did not have a dedicated Department, we may not be having this level of focus on the issues. I genuinely welcome that.

While we may not agree on everything in terms of how we get there, I do share the ambition in terms of removing barriers to access to further and higher education. Deputy Kenny made a fair point. The following is not a political point because I was not in government at the time. We have seen a lot of progress made in our country over recent decades in terms of access, but we do have a lot more to do. Deputy Boyd Barrett said he wants to see a radical overhaul in this area; so do I. I genuinely want to see a radical overhaul of how people get from second level to third level.

Yesterday, the issue of why we are debating further education and higher education and why we do not have an integrated tertiary education system was raised. That is what I want. I accept there is an onus all of us, me included, to, in the Deputy’s words, “flesh out” the plans and policies that will help achieve that. It is okay to debate that and to have different views as to how best to do it and sequence it. I am united with the Deputies on the purpose of radically overhauling the system.

I also take a lot of interest in what has been said about the points race. It is wrong we have created a culture where there is an obsession now with the points race. There is huge pressure. I have just come from a virtual meeting with a group of sixth year students from three schools in west Cork. The idea of the points race and students’ anxiety around getting points is one I accept. In terms of what I have done this week, I have tried to begin to change that by talking about having an integrated system, a broader CAO system where people see all of their options. It was mentioned we would need approximately 25,000 additional places to meet the demand, but that is if every student chose to go the higher education route. If we got our act together on apprenticeships as a real alternative, a pathway and an equally valuable way of getting to where

11 March 2021

one wants to get to in life, and in regard to further education, and we got each of those systems talking to each other, I do not believe we would need 25,000 additional places in higher education. We are having a conversation with students about the name of the university they want to go to before having the conversation with them about what they want to do in life and then offering them the four or five different routes of getting them there. I have seen this in my own constituency. We need to make it easier for people to move from further education to higher education.

We need to embed apprenticeships not just in the private sector but the public sector. The public sector needs to step up too. There are only 300 plus apprenticeships in the public service. Later this month, along with my colleague, the Minister of State, Deputy Collins, I will be publishing a detailed action plan to set specific targets for all Departments, county councils and State agencies in that regard. This week, we launched the first statement of strategy for my Department. We will publish it on Monday. It is an ambitious plan of reform, which is about building collaborative connections. It will tackle inequality and barriers which prevent people entering third level. We will ensure everyone has the opportunity to fulfil his or her potential through access to education and training. The statement of strategy was not dreamed up by civil servants and a Minister; we engaged extensively with stakeholders, including students and wider civic society. We listened and, as a result, we do not just list the challenges. We also look at the opportunities to try to address some of the challenges in that statement of strategy. I hope we will have many chances to take elements of it and debate them in this House.

*6 o'clock*

We have published 36 specific actions we want to get done this year, including a review of the student grants scheme. I will be attending a virtual meeting this evening with students, parents, guidance counsellors, teachers and principals in Longford to talk about how we can make the SUSI system much more comprehensive. I accept that it needs to be radically overhauled to take account of issues like part-time learners, adjacency rates and non-adjacency rates, and income thresholds. We will have the output of that review this summer, which will give an opportunity to consider it in advance of the budget.

I have talked already about the CAO reform process. I had a very good meeting yesterday with representatives of the CAO on that issue.

We also need new legislation to reform higher education governance. We are putting €1.83 billion a year of taxpayers' money into universities and higher education and we need to be able, as Oireachtas Members, to see that we have fit-for-purpose, 21st century governance. Legislation on that issue will be brought forward and, I hope, passed by the Houses this year.

I firmly believe in the importance of an integrated and connected third level system. I am passionate in my view that there must be diverse and progressive pathways into education. There cannot just be a right way of doing it and a wrong way of doing it. There must be multiple ways that work for learners of different ages and from different backgrounds. The CAO system works effectively in taking people from secondary school to university but it leaves out whole swathes of opportunity. We need a single portal through which students can apply for further education opportunities and apprenticeships, for which the points system does not apply, and for higher education as well.

In regard to extra places, we have already set aside €18 million in the budget this year to

provide 4,100 additional places, having already grown the third level sector last year. I accept that the scramble that had to be made last year to try to find those places was a little unedifying. That is why I have set up a working group, now that we have clarity on the leaving certificate examination, to see whether we can do even more in this area. The point Deputy Gino Kenny made in this regard is a really interesting one. As a former Minister for Health, I know only too well the shortages there can be in nursing, speech and language therapy, occupational therapy and so on, and the challenges they can present for the delivery of public services. One of the issues we are looking at is that if we want to train more nurses and doctors, we need to match each of them with clinical placements. That will involve sitting down with other Departments to see whether if we create an extra university place here, they can create an extra clinical place there. I hope to have that work done by Easter and to update Cabinet and the House on what more we can do, above and beyond the 4,100 additional places. Last year, I gave a commitment that we would maintain the ratio of students who got their first choice or a choice from their top three. That is my intention again this year.

In regard to funding, it is important to say that the Exchequer currently contributes €340 million a year to meeting the tuition costs of students in higher education. It is also important to say, and very few people say it, that some 44% of our students have their registration fee covered in full or in part by SUSI. The idea that everyone is paying €3,000 is not correct. As we improve the SUSI system, I hope fewer people will pay that registration fee. It is also important to point out that the OECD's latest Education at a Glance report, which is based on 2018 data, indicated that this country is investing more per full-time student than the EU or OECD average. As we know, funding for third level has increased further since 2018. I look forward to the up-to-date data being reviewed.

Having said that, we need to have a really honest conversation about funding. In fairness, Deputy Boyd Barrett is being honest about it in saying that he wants to follow the Donogh O'Malley route, that is, the concept that access to at least an undergraduate education would be free as part of a natural extension of the education system. There is serious merit in that proposal. We will soon have the economic evaluation from the European Commission of the Cassells report. The last Oireachtas was a bit cowardly, quite frankly, in kicking that report down the road and into another review. That was done on an all-party basis. There was an attitude of, "Sure, is there anything to be said for another review?" That other review is about to come to an end, in quarter 2 of this year, when we will have the final report on the options set out in the Cassells report. Let us then have a very honest debate. I instinctively want to see any barriers removed to students being able to access undergraduate education. The Deputy is right that Donogh O'Malley was told back in the 1960s that he was mad and wrong and he could not do what he proposed to do. As we know, he went ahead and did it anyway. Let us have that debate this year.

In regard to access, it is a personal goal of mine to make sure that the third level education system is more diverse. When we look at it, it should be like society looking back at us. That is not the case and it needs to be more diverse. We are currently working on our third national plan for equity of access to higher education, identifying groups that are currently under-represented in higher education. The consultation for that has begun and I would appreciate Deputies' support in order that we can have the best plan possible. More than 79,000 students were assessed by SUSI in 2020, up from 71,000 in 2019. We have increased the postgraduate allowances, which were paltry, and I want to do more on that issue. In addition, we have doubled the student assistance fund.

The past year has been a really difficult one. I do not have time to get into all the challenges for students, but I know it has been difficult for them. They have sacrificed and suffered a lot. I want them to know that we are working on making sure they have a more meaningful, on-site college experience in the new academic year. We have set up another well-being and engagement group chaired by students to look at what more we can do in this area.

Deputy Paul Murphy referred to the difficulties being experienced by postgraduate students. I will meet with them to discuss the allowance for postgraduate workers. I apologise that such a meeting has not taken place so far.

Education is a great leveller. We should be ambitious and we should use this new Department to drive an ambitious programme of reform. I am really excited about what we can get done. It will include reforming the CAO, creating an integrated tertiary education system, overhauling the SUSI grant system, making big and brave decisions on a sustainable funding model and bringing forward new governance legislation, an adult literacy, numeracy and digital skills plan, and a new national access plan. We have lots to do. The debate today, importantly, puts a focus on a number of those important issues. I look forward to continuing to work with colleagues on them.

**Deputy Mick Barry:** I ask colleagues to consider what is the essence of the Minister's remarks and his key line of argument. In effect, he is saying that we are all in agreement in this House on these issues and we are headed towards the same place. We are agreed on the goal, according to the Minister, and the only debate is over the speed at which we travel. The facts contradict what he is saying.

According to Universitas 21, which measures government expenditure on third level education as a percentage of gross domestic product, Ireland was 46th of 50 countries measured recently, which is a fall of 29 places since 2017. According to Mr. Jim Miley, director general of the Irish Universities Association, State expenditure per third level student is down more than 40% since 2008. The Minister points to an increased budget for mental health services in third level institutions, giving a figure of €5 million, but from what base is that starting? In University College Cork, UCC, the year before last, there was one counsellor for every 2,340 students, compared with a recommended best practice ratio of one for every thousand students or, at most, 1,500. The situation at Cork Institute of Technology, CIT, is considerably worse than that. In UCC in 2019, there was more money spent by the college on flights for staff than on mental health services for its tens of thousands of students.

What is the Government doing this year? It is pitting leaving certificate students against each other in a battle for a limited number of third level places. That would be unfair in any year and it is especially unfair and wrong in a pandemic year. There are 61,000 leaving certificate students, most of whom are part of a cohort of 80,000 CAO applicants for approximately 55,000 places at third level next year. It is scandalous in a pandemic year that students would be forced to compete with each other for a limited number of third level places. The Minister said that he attended a virtual meeting with students in Cork and he spoke about how wrong it is that there is an obsession with the points race etc. He is one of two Ministers in this Government with responsibility for education and he is in charge of a machine that is forcing students to compete against each other this year. The Minister can wring his hands and say it is wrong but he is implementing it by not having a policy of open access to third level. From the first week of January to the week after 17 February this year I had Zoom calls with leaving certificate students. They practically all spoke of their experience every day during the leaving certificate

crisis. Mental health was the issue to the forefront in so many conversations. The crisis pressed down hard on each of those 61,000 students. Many were impacted themselves or knew a friend or classmate who was being impacted severely. They organised, campaigned and fought back. They forced the Government to climb down on the position that there was to be a forced leaving certificate for each student. I do not believe that the predicted grades model is a solution precisely because, like the leaving certificate, it pits students against each other in a battle for a limited number of places.

After that leaving certificate crisis and in the context of the pandemic, it is time to stand back and review the position. The State could not organise a traditional leaving certificate last year or this year. Next year there will be a need for many changes. It is a good time to do a review. We maintain that this examination is outdated. Even in non-pandemic times it is, from a mental health point of view, negative. It is an outlier in Europe in terms of the level of pressure it exerts on young adults. It is riddled with class bias. Most obviously, if a student can afford grinds, that student has an advantage over a family that cannot afford grinds for their children. It is biased against young adults who are not neurotypical. It is time for this examination to go.

More than 50 years ago, the primary certificate was a big thing in Irish society. When the doors were flung open to second-level education and people were invited in and places made available, the primary certificate became a thing of the past. The leaving certificate and the pressure that goes with it could go the same way if the doors are thrown open to third level. The ballpark is 25,000 places. If the Minister says he would need fewer, then there is less of a mountain to climb. There may be 10,000 or 15,000 new jobs. The Minister will not have difficulty finding the staff to recruit because there are already 11,200 part-time or short-time staff or staff on insecure contracts in the third-level system. We can have blended learning next year. We can digitise the libraries and provide third-level students with information technology equipment. We can have a period of two or three years to put the investment in, build the buildings and put the physical infrastructure in place that is necessary. It can be done in other ways next year.

People may ask how in hell it would work. A key would be an omnibus entry operation. Dr. Áine Hyland produced a report for the Higher Education Authority in 2011 on the leaving certificate and college entry. She strongly recommended the idea of omnibus entry. Broadly speaking, in year one there is a general course or courses and the students have examinations at the end of the year. From that point, people go on to second year or other courses to which they are more suited and they become more specialised.

Let us be clear. This would not come cheap. This would cost a great deal of money, perhaps billions - we are not saying anything other than that. However, the wealth is there in society to pay for it. The 300 richest in Ireland own and control €93 billion in wealth. Irish society has 17 billionaires, whose wealth increased by €3.3 billion during the pandemic year. We need a steeply progressive tax system. The starting point is serious taxes on wealth in Irish society.

There is one final point I wish to make. Open access on its own is an empty formula unless we combine it with a living grant for every student, the abolition of fees and decent accommodation for every student who needs it.

We had a scandalous situation last year where we had student accommodation centres run by big businesses, international consortium interests etc. They tried to grab thousands of euro, in some cases five-figure sums, from students. They maintained the students had signed up for

a year and, even though there was a pandemic, the students were off home and so the landlords were free to take the money and run. Students fought back, spoke out and campaigned. In most cases, they forced these exploiters to give the money back. However, they could try the same con tomorrow and they are legally entitled to do it. That right should be removed from them. The Bill that the Union of Students in Ireland is backing provides for this to be outlawed and is an important part of this discussion as well. We need accommodation for students which is on the basis of need rather than for profit. It should be publicly built with reasonable rent rather than extortion, as in so many cases at the moment.

**Acting Chairman (Deputy Bernard J. Durkan):** The next slot goes to Sinn Féin. Deputy Rose Conway-Walsh is leading off.

**Deputy Rose Conway-Walsh:** I am sharing time with my colleagues and would appreciate being cut off after eight minutes. My thanks to Solidarity-People Before Profit for bringing forward this important motion. While it might contain some things that we have differences on, I wholeheartedly support the vast majority of it.

The first point arises in terms of removing the barriers in place. I hear the Minister talking, I hear students talking and I hear tutors within colleges talking, but it simply does not add up for me. The first point is in terms of removing the barriers. I know the Minister agrees that we have to remove the barriers to education. I know he realises they are there - the first being the fees charged. I know the Minister would say those entitled to a Student Universal Support Ireland grant do not pay fees and so on. However, we charge the highest fees in the EU. We cannot stand over that and Governments cannot continue to stand over that. Vast fees are charged for international students and post-graduate fees. Yesterday, I spoke about medicine graduates. One young man outlined to me that he will have to end up paying €100,000 to be a doctor. We are a country that is crying out for doctors and we go around the world looking for doctors. Yet, we do not invest in our own in the way we need to. We desperately need more clinicians. The Minister outlined some of them himself. We need to join the dots. We need to ensure that we are investing. We are not looking at the cost of education. We need to be looking at the opportunity cost if we do not invest money where we need to in education, especially third-level education.

We spoke about Donogh O'Malley in the 1960s and commended what he did. However, we know now that for many jobs we need third-level and further educational qualifications. That is what is needed for people to be able to access that type of employment or the type of enterprises we need in this country.

I know the Minister is well-intended but one thing will really show us and the student population if the Minister's intentions are genuine. Let us consider the USI legislation around accommodation. We know students have been fleeced in the past year. Hard-pressed families, some of them single-parent families, are really struggling. It is unforgivable the way they have had to pay over money for something only for us to say they cannot use it. It is like going into a shop and compelling a customer to pay over her money but insisting that if she leaves the shop she cannot bring the goods with her. That is wrong on many levels. The Minister can show that he is genuine about addressing this problem by supporting the USI's legislation, which I introduced in the Dáil and which 58 Deputies have already signed. That needs to be done quickly. When students return to education in September and October, we must ensure that they are not exploited as renters. Just because they are students does not mean they can be fleeced. If this were not a pandemic year and restrictions not in place, students would be outside the gates of

Leinster House. I thank them for not doing so. I thank student unions across the country for their Trojan work over the past year in trying to protect and defend students' rights.

A picture is being painted of everything being okay, but the Minister knows it is far from okay. Some 90% of students have told us that they are suffering from stress, loneliness and isolation and that they feel disconnected. Our production of human capital has been mentioned in this debate, but we must consider education and address issues holistically. We have an opportunity. Deputy Harris has the privilege of being the first Minister of a Department of higher education. He will be judged in that light. I hope that he will be judged kindly and on the basis of what he makes happen for students and their families, not for the reports he commissions, and addressing inequalities. If we continue with an education system that feeds inequality, everyone will pay the price. That is why we must have an education system that is treated as a public good, is invested in and ensures equality and integrity and to which we expand access through Student Universal Support Ireland, SUSI, whose thresholds are too restrictive.

Since I did not get an opportunity to do so yesterday, I will focus on apprenticeships. The Minister of State, Deputy Niall Collins, is present. I welcome the Government's apprenticeship strategy and the addition of apprenticeships to the Central Applications Office, CAO, system so that everything is handled through a single portal. However, there are immediate problems with apprenticeships that we must address. Apprentices have been left in limbo by the Government. Currently, 6,928 apprentices are waiting to access their off-the-job training. That is more than one third of all apprentices. Their practicals and exams have been put to one side continually, with no end in sight. We must engage with apprentices and show them their training pathways. Most apprenticeships last four years. They cannot be allowed to last six years with people not obtaining the qualifications or earning the incomes they need. This matter needs to be taken in hand. The Government has missed even its modest targets. Regardless of the strategy for the future, we need to deal with the here and now. SOLAS needs to engage with apprentices and employers so as to ensure that the issues are addressed.

The situation of student teachers in terms of Gaeltacht courses and grant aid not being extended to those whom we have pushed into getting qualifications from private colleges must also be addressed. The grant needs to be extended.

I could speak about many more education matters, but I have run out of time. I will hand over to my colleague, but I think the Minister gets my drift.

**Deputy Maurice Quinlivan:** CSO figures demonstrate a correlation between levels of educational attainment and social and economic advantage. Higher Education Authority, HEA, figures show that there is a significantly lower level of attainment of higher level education in areas deemed disadvantaged versus those in affluent areas. The Minister does not need me to cite the figures. Regrettably, Limerick has more areas of deprivation than anywhere else in the State. If issues of marginalisation and deprivation are to be tackled successfully, we must ensure that students from disadvantaged communities are offered opportunities and supports to access higher education.

Available data suggest that too few students in schools catering for unemployment black spots progress to higher education. Looking at the progression rate from schools in my constituency, a pattern emerges. For instance, one all-girls secondary school in Limerick city sees almost everyone progress to higher education, but in a similarly sized school with a disproportionate number of students from disadvantaged areas, more than a third fail to progress. Sup-

port and encouragement must be offered throughout the school cycle, not just in the final years of second level education. All levels of schooling from preschool onwards should be treated as important stepping stones towards higher level.

Regarding progression, I wish to mention St. Mary's National School in Limerick. St. Mary's Park is listed as an unemployment black spot. It was described in a Pobal report as the most deprived area in the State. I have discussed some of the issues affected the area previously. Unemployment is rife and there is a myriad of social and economic issues to be tackled. One institution in the community that I am particularly proud of is the local primary school. Its students come from St. Mary's Park in the main. Worryingly, the brilliant work that the school does is now in jeopardy. Under the teacher allocation circular of 2020, the school has six classroom teachers and an administrative principal. Under the 2021-22 circular, however, the number of students enrolled suggests that the school will lose two teachers and its principal's administrative status. This school cares for and educates children from the area to the best of its ability. Many of them come from complex and disadvantaged backgrounds, yet their school is scheduled to lose teaching posts. This is not acceptable. One of the teaching posts to be lost is that of deputy principal. The current occupant of that position is from St. Mary's Park. Not only is she a teacher and deputy principal but, according to the principal, she has served as the bridge between the school and community. She knows many of the families and many of the complexities that the schoolchildren face. We talk about the need to deliver further access to higher education while injury is done to a school that educates and supports children from a catchment area where, unfortunately, few get the opportunity to progress to higher education. How can we improve access to higher education when we damage schools in catchment areas because of a calculation that fails to consider the children's specific needs?

The contrast in educational access is perhaps most striking in my city of Limerick. It has eight of the ten top unemployment black spots in the State on the one hand and, on the other, there is a fantastic university and other third level institutions, including an equally impressive institute of technology.

I reiterate the need for more apprenticeships. In 2018, my party launched a strategy on apprenticeships. Our target was to increase their number to 60,000 within five years. Unfortunately, the previous Government did not live up to its commitments. As such, I welcome the Government's commitment to increase apprenticeships by 10,000 per year. I hope that this Government will be more successful than the previous one in that regard.

**Deputy Patricia Ryan:** I thank People Before Profit for tabling this motion. Unfortunately, the Government has proposed a cynical amendment. It has a habit of doing so in respect of proposals it knows are the right things to do but that do not fit with its conservative, right-wing agenda.

Covid-19 and public restrictions have imposed significant hardships on our students. Their educational experience has been far from ideal and there has been a negative impact on their mental health and general well-being. We must listen to our students. For years, we have heard from them that too much pressure is being placed on them. There is too much emphasis on one exam to decide their paths in life. I am reminded of the song "Little Boxes" by Malvina Reynolds, with students being put in boxes and all coming out the same. We must radically rethink our approach to the leaving certificate. We require an education system that is adaptable and seeks the best for every student regardless of his or her academic ability. We also need to balance between equipping our students with life skills and with academic skills. There is

an unacceptable level of inequality in access to third level education. There are parts of Athy, Portarlinton and Newbridge in which the number of students progressing to third level is less than half the county average.

There is widespread poverty and financial hardship among third level students, particularly as a result of extortionate rents. We need to urgently commence a major publicly funded programme of building affordable, publicly-owned student accommodation. Affordable accommodation is a significant barrier for working class people who wish to progress to college. There is also the financial hardship imposed on many students and their families as a result of having to pay what are among the highest registration fees in the EU.

Students should not have to work long hours to keep themselves in college. Students on work placements are doing real work and they deserve fair pay. I cannot believe we are still talking about paying student nurses. Can we not just get it done?

Sinn Féin in government will abolish third level fees. It is a disgrace that while some families make significant sacrifices to keep their child in college, foreign executives can claim tax relief under the special assignee relief programme. Almost 1,500 individuals availed of €42 million in tax relief under that programme in 2018.

Meanwhile, Members are well aware that SUSI, to which the Minister referred, is not fit for purpose. It finds any reason possible to refuse grants to struggling families. It really shows where the priorities of the Government lie. They are certainly not with the working poor of counties Kildare and Laois whom I represent.

**Deputy Ruairí Ó Murchú:** I welcome the opportunity to speak on this issue. I thank Solidarity-People before Profit for tabling the motion. I think it is a fair ask. I agree with it in the sense that there needs to be a greater level of imagination and that we have to look on this as an opportunity to deliver for third level on the same basis that Donogh O'Malley delivered for second level education. It is fair to say that there is an obvious need to deal with the issues of fees, SUSI and, in particular, the income thresholds. I welcome the fact that the Minister stated some of those issues will be addressed. However, we also need to accept the importance of access to third level in other respects. The sad news coming from Drogheda is a reminder of what can happen when kids from disadvantaged areas become involved in a pretty seedy part of this world that impacts on many working-class communities and impedes them greatly. Kids become enveloped and the victims of utterly scurrilous criminals. It is a blight on society that needs to be dealt with. We need to put all those factors into play in the context of what we can deliver for people and the opportunities they can be offered.

As I have stated previously in the House, my father was the principal of a school in Muirhevnamor, Dundalk. He often remarked on the utter ridiculousness of a teacher getting worked up about a kid not having a pencil, pencil case or copybook when that kid might not have had breakfast. We need to look at all the multi-agency interventions that are necessary to ensure that everybody is given a fair start. That begins long before children even get to secondary school. We need this to work from primary school, through secondary school and then into tertiary education.

I refer to apprenticeships. I welcome some of the narrative from the Government in terms of multiple access points to career paths. I welcome the fact that in Dundalk there is access through the Ó Fiaich Institute of Further Education and Drogheda Institute of Further Educa-

11 March 2021

tion, as well as access to post-leaving certificate courses that provide a springboard for many people to get into third level institutions such as Dundalk Institute of Technology, DKIT, as is the case for many in my constituency. We have to consider all these pathways. It is obvious that funding has to be increased, as do supports for access programmes. We also need to look at the College Connect initiative, through which proper connections are made with communities, particularly those that surround these third level institutes and the residents of which do not necessarily have a great tradition of attending third level.

I welcome some of the innovative moves that have been made by Louth and Meath ETB and other bodies. It established the advanced manufacturing and technology training centre of excellence in Dundalk, which provides lifelong training in high-tech and high-spec industries. We need more such initiatives. There is also a need for an audit in respect of employers' needs in terms of the skill sets that are required and should be built into apprenticeships. I know that some experts in the field believe that certain soft skills relating to communication or almost emotional intelligence, as well as certain other skill sets, are sometimes lacking. If that is the case, it would be very easy to incorporate that into apprenticeships and lifelong learning to ensure that we can produce students who have all the skill sets required.

I welcome the fact that the Minister referred to the issue of DKIT and technical university status. I would welcome further communication from him in that regard. I know that a meeting will be held next month with Oireachtas Members representing County Louth. We need to ensure that DKIT does not miss out and that we deliver on technical university status. I welcome the Minister's interaction on other issues that have occurred in DKIT. I would welcome a response from him on those issues. It may not suit him to discuss them in the Chamber.

**Deputy Aodhán Ó Ríordáin:** Anybody who spends time in my company will learn in a very short time that I was a teacher in, and principal of, a school in the north-east inner city of Dublin. It effectively changed my life and the way I view the world. I learned more from those children than I ever taught them. When I became a school principal I got a wonderful bit of advice from a great colleague of mine named Mark Candon. He told me that regardless of the decision a principal makes, he or she will have conflict with staff colleagues, potentially with the parent body, definitely with the Department of Education and possibly with the board of management and others, but if a child is at the centre of every decision that is made, nobody will ever question the principal's integrity and, therefore, make sure that a child or children are at the centre of every decision made. If one analyses the education system from beginning to the end, it is very difficult to come to the conclusion that we have constructed a system that has a child, children or students at the centre of decisions that are made. If one was to start with a blank sheet of paper, which is what I believe should be done, one would not construct an education system like the one we have now.

The second level system ends with the leaving certificate if the student gets that far. Many young people do not get that far. As a result of this pandemic, we have lost a generation of young people at risk. There is no legal requirement for these vulnerable young people to be in school after the age of 16 and, as a result of the pandemic and the lack of in-school learning, they have been lost to the system. The leaving certificate is outdated and no longer fit for purpose. It needs to be overhauled radically because it does not have young students, human beings, at its centre.

We have an education system that perpetuates inequality. It is rooted in inequality. If one asks Finnish politicians about the education system in Finland, they will say they had a discus-

sion in their society about their education system and tried to find the theme or belief system that should underpin it. They came up with an answer. It is this radical idea called equality. Everybody buys into that notion, including the far left, the far right, the centre-right, the centre-left and centrists. They all believe that equality should underpin the education system. In Ireland, we believe that choice should underpin the system.

The word “choice” sounds nice but it leads to competition between schools. In my constituency and others around the country, the notion of choice leads to open nights - when such things were possible - in September and October that encouraged parents to send their children to particular schools. That competition leads to a race for points, things like league tables and a stripped down and nasty discussion as to how one school is more successful than another. That, in turn, leads to a race among parents to try to get their kids into a certain secondary school because it has a certain reputation. In a given community, one then has a league table of secondary schools which inevitably means that a school at the bottom of the league table has a disproportionate number of young people from the Traveller community, migrants, young people with special educational needs and others who have been suspended, expelled or moved on from other schools. Many in society - I do not want to use the word “all” - are willing for that school to exist because there is a race for parents to get their young people into schools at the top of the ladder. It is not fair, does not work and is killing any sort of imagination or goodwill among students and teachers. Teachers are given the impression by parents and society that it is a waste of time to talk about stuff that is not on the curriculum. Parents feel they have to put their kids through the machine, so to speak. They can acknowledge that a school includes extracurricular activities but instead send their child to a grind school because they can afford it.

The leaving certificate makes young people good at doing a leaving certificate. It does not make young people good at anything else. We need to overhaul and radically change the leaving certificate. We, as a political collective, need to be brave and say that, in this day and age, the leaving certificate is no longer fit for purpose. The leaving certificate is pretty much exactly the same now as it was when I sat it in 1994. I think most people who have gone through a leaving certificate year are still slightly traumatised by what they had to do in order to get through it. That is if a student made it that far.

The Minister referred to the Cassells report. We always talk about the price tag attached to education in Ireland and most of the discussions that happen at the school gates or between parents and teachers or principals are about money. People have said to me that if they did not have to talk about money, they could actually talk about education. Staff in schools have told me that they are always asking about a fundraiser, talking about book money and voluntary contributions or being asked about those things. Parents just wish they could talk about education and the development of their children. When it comes to third level or further education, reference has been made to former Minister for Education, Donogh O'Malley, and his work in the 1960s but one only has to go back to the 1990s and another former Minister, Niamh Breathnach, to find the template of political will to abolish third level fees, the funding for which was found from a progressive taxation system. That is how these things should be done.

I believe there is goodwill across this House and I welcome the opportunity to speak on the motion that has been laid down. There is a fantastic opportunity for us to grab the initiative here because never before in my political lifetime has education been at the top of the political agenda, as it is now. Never before was there a thirst within the Irish population, the education body, teachers, parents and students to radically overhaul what we do. We should not be married or welded to the leaving certificate because it is the only thing we know. Let us take the

opportunity to radically overhaul and reform it. Let us make third level and further education absolutely free. At least then we could return to the basic principle of putting the child at the centre of every decision that we make.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on this Private Members' motion and I thank the Deputies who have brought it before the House. It raises some good points that the Government needs to address in a constructive manner. In the main, I fully support the motion although there are aspects of it that are aspirational and would not be workable.

I come from the Dundalk region of County Louth and the Dundalk Institute of Technology, DkIT, is on my doorstep. DkIT is, without doubt, one of the most recognisable landmarks in the region and is home to more than 5,000 full-time students. I see at first hand the enormous benefits that the college has brought to the north-east region. Not only does it support 5,000 full-time students, but it has worked with local industry on joint projects to benefit not only industry, but the region itself.

I will speak about some of the points raised in today's motion. The financial hardship that many families face as a result of children going to third level education is simply unacceptable. I note from the motion that Ireland has the highest registration fees in Europe, with amounts ranging from €3,000 to €7,000. It should be noted that those fees are per student per year. Let us take an example of a family with three children attending third level, each of whom completes a four-year term. The cost to the family is €36,000 in registration fees alone, without taking into account the cost of books, travelling and accommodation expenses and so on. When we talk about free education, it is clear that it is not free but a heavy burden on many families. My firm belief is that every person should be given the opportunity to better themselves through education and that financial hardship should not be an obstacle to a third level education. The sad reality, unfortunately, is that financial hardship is a barrier to third level education and needs to be removed.

I agree that we need to take the approach that was taken in the late 1960s when access to secondary school education was extended to all. Now is the time that the same approach should be taken to third level educational opportunities. The present Covid-19 pandemic has caused great difficulty for students, among others. I have always worked very closely with this generation and taken a keen interest in the mental health of young generations. What I have seen during this pandemic has, quite frankly, frightened me. I have seen the mental health of students deteriorate during this period. They have lost out on a full year of social interaction with their peers and the impact that will have on their future development must never be underestimated. The Government must provide whatever hope and support is needed to support students during this most difficult period. I have spoken to many students and heard the same stories over and over again.

I am also being contacted by the parents of students who are extremely worried about the mental health of their children. It is not natural for students of this age group not to be socially active. I fear for the long-term consequences and, in that regard, I totally agree with the call in the motion for free access for all students and apprentices to counselling and personal education services at the point and time of need.

I agree with the motion that for students affected by the Covid pandemic and whose classes were held online, a substantial amount of their fees need to be refunded. I acknowledge that the Government has repaid €250 to students but, in all fairness, that is not nearly enough. I call on

the Government to look at this matter again and put a more realistic figure on it. I suggest that a rebate of at least 50% of the fees paid should be refunded to third level students for any years of their courses that have been affected by the pandemic.

The motion before the House seeks to abolish the leaving certificate examination. While I do not agree, I am of the opinion that the leaving certificate is an unnecessary stress for young students and not always a good guide to a student's real ability. I believe that the leaving certificate needs a major overhaul to bring it up to date. The leaving certificate has become a rat race for access to third level education. That is wrong and places too much unnecessary stress on young students. One of the reasons for the rat race is that demand is outstripping supply. There are 80,000 students chasing approximately 52,000 third level places and that is unacceptable. If there are 80,000 students seeking to advance to third level education, then there should be 80,000 places made available for them. Successive Governments have failed in that regard. The Government is very fond of using statistics when it suits it but if we look at the statistics on Government expenditure on third-level education then we have a different picture. The Government spends less than 6% of gross domestic product on third-level education. When we compare this with other countries, unfortunately, we are nearly at the bottom of the pile. We are 46th out of 50 countries. That is a fall of 29 places since 2017. We need answers on the reason that has happened. Why have we fallen 29 places on expenditure on third-level education in less than four years? The Minister must address this as a matter of urgency.

Returning to the leaving certificate, we must start a conversation on it, as it is out of date and needs a major overhaul. We must ask the difficult questions and get the answers. Has it now become a rat race for CAO points or is it serving a different purpose? If we remove the barriers to third-level education, then the leaving certificate must go. Second-level education could help develop students more for life in general and prepare them better for third-level education if we removed the rat race of CAO points from it. We must develop more resilience among the younger generations so that they can cope better with the demands of modern living. I firmly believe that second-level education can play a major role in the development of young people and produce a more resilient and resourceful student in third-level education, which in turn will better prepare them for the demands of modern life but this can only be done if we remove the CAO points rat race.

I find it frightening that the statistics showed that, on average, one in six students drop out of university in the first year. That needs to be examined to understand the reasons for the alarmingly high drop-out rates. Is it because students have chosen the wrong course and, if so, why has that happened? Do they get enough guidance on the selection of courses? Do we need to look at career guidance at second level? It is obvious that something needs to be done. It is unacceptable that there is a such a high drop-out rate among students in their first year at university.

I acknowledge that the Government has recognised that apprenticeships still have a value in the education system. The apprenticeship scheme has a major part to play in developing students in careers that are financially worthwhile and offer a high job satisfaction rate. I call on the Government to make additional funds available to support apprenticeship schemes. They will play a major part in the post-Covid era. We must be more creative with apprenticeships and not just think of them in a traditional manner. There are many people today who still think that apprenticeships are only for electricians, plumbers and carpenters. We must raise awareness of the many valuable apprenticeships that are available.

11 March 2021

I thank the Deputies for bringing this motion to the House. I support many aspects of it, but I cannot support all of it. I call on the Government to look again at refunding fees for students whose courses were affected by Covid. I acknowledge the refund of €250 in respect of fees paid, but this did not go far enough. I call on the Government to refund at least 50% of fees to students whose courses were severely affected by the Covid pandemic. I also call on the Government to drastically increase its annual budget for third-level education so that we are not bottom of the pile when compared with our European neighbours. I further call on the Government to explain why we have slipped 29 places in the space of four years when it comes to spending on third-level education.

I urge the Government to support the motion in respect of giving access to third-level education the same priority it was given in the late 1960s when access to second-level education was made available to everyone.

**Deputy Carol Nolan:** Tá áthas orm an deis a fháil labhairt ar an rún seo. Tá mé ag tacú leis an rún. This is a very deep and systematic problem that we are dealing with today in terms of educational disadvantage. As always, it disproportionately affects those in what are termed the lower socioeconomic groups in society. I am aware that the Department is working with the European Commission on the independently appointed consortia of consultants on the Cassells report and that the key aim of the review includes an examination of the funding options for higher education. I hope the Minister's commitment that the review will be completed towards the latter part of quarter 2 of 2021 will materialise.

The Minister will be aware that the issues concerning access are deeply embedded in the education system. In 2019, I called on the then Minister of State with responsibility for higher education, Mary Mitchell O'Connor, to make immediate provision for the re-establishment of the educational disadvantage committee to advise on policies and strategies to be adopted in order to identify and correct educational disadvantage at all levels. I welcome the great work that is being done, but if we are to build on it, then the educational disadvantage committee must be reinstated.

The Higher Education Authority released a report entitled A Spatial & Socio-Economic Profile of Higher Education Institutions in Ireland. The report concluded that students from less well-off backgrounds and geographical areas continue to experience significant and systematic levels of social and class disadvantage in the education system. I know the Minister will accept that it is not a lack of ambition or an absence of dreams for a better future that is the problem for young people; more often than not it is the financial inability to give effect to that ambition. My hope is that the efforts we are making here today and going forward will recognise this and lead to a proper, affordable and fair system of access to third-level education or apprenticeships that young people so richly deserve.

We must broaden the range of apprenticeships available, but we must also ensure that they are promoted as much as possible and that they are seen as being as valuable as a third-level degree. It is very important that perceptions change and that the value of apprenticeships is realised and recognised.

**Deputy Michael Collins:** I fully support the motion. There are so many issues of serious concern to students in higher education. Even last week I raised a matter with the Minister for Further and Higher Education, Research, Innovation and Science in the Dáil concerning motor mechanics apprenticeships with SOLAS. Although the students completed phase 2 of their ap-

prenticeship in December 2020, they are still awaiting the official results of exams and cannot progress to the next phase. The course was supposed to take four years, but it now looks like it will take seven years. What plans are in place for those students? That is the kind of situation students find themselves in.

An issue that is raised with me time and again is refunds for accommodation. The families of students are in great difficulty. I am aware of 19 students and their parents who were asked to pay for accommodation since the arrival of Covid even though the students cannot use it. They must pay upfront and in full just in case they go back to college. There is no system in place to refund them. This is not good enough given the times we are in at present. The same is true of fees. Students cannot get refunds. It is ridiculous that they are asked to pay fees upfront when they cannot attend college. It is an outrage and there should be plans in place to help these young people. Students from west Cork and other rural parts of the country have basically been left behind because they do not have broadband. These are serious issues. It is a case of one issue coming on top of another and students are incurring stress as a result. Students try to earn money during the summer, but they could be penalised for that later and they might not be able to get a grant from SUSI, which is terribly unfair. I have often seen situations where the parents' income was just a little over the threshold and the child was disqualified from receipt of a grant from SUSI. Parents are working very hard to pay mortgages and lots of things are not taken into account. It all comes back on the students and their families.

Unfortunately, we will again have the same disaster this year with transport for young children going to school. That is another very stressful issue for families, although it might not fully relate to today's motion. I have often fought in the House for students to get a driving lesson sorted. They are trying to do their theory test and it is ridiculous in this day and age that theory tests cannot be done online. That brings me back to the situation concerning students who are trying to work to subsidise themselves and who must drive to work in rural communities so that they can continue in college. I am sorry, I am eating into my colleague's time.

**Deputy Mattie McGrath:** I thank People Before Profit for tabling this motion. The debate is a timely and interesting one that we should have. Ar an chéad dul síos, ba mhaith liom mo bhuíochas a ghabháil do na daoine a bhíonn ag obair i SUSI. They do a very hard and dedicated job and they are very helpful. SUSI has settled down now from when it started. There is significant discrimination against rural people. While Covid was a calamity, it should have given us the opportunity to catch the third-level education sector by the scruff of the neck and give it a good shake because there is a lot of dead wood and inequalities. Change is badly needed.

*7 o'clock*

I could mention a university for the south east, which is badly needed. Clonmel is affected by the move of Limerick Institute of Technology, LIT, from its current site at the bypass to the old Kickham Barracks, which is a wonderful site. While there are great plans for it, we need that move to be supported.

I spoke to my daughter, who is in University of Limerick, UL, before coming into the Chamber. She said college is like having a website provided. There could have been much more in terms of learning online. It is not fair. More should be done for students. We are now a year into the pandemic and we should be able to adapt and have more functions on campus. For sixth year students going into first year, the world is their oyster. They had a tough year in sixth year, when the leaving certificate had to be changed utterly. All campuses need to do more

to allow young people to express themselves, be able to learn more and fulfil themselves in spite of Covid. This is an opportunity to do things differently.

While online learning should have been a wonderful experience, it has not been. People are going on to websites to work. Much more needs to be done by management and those responsible in third level institutions to be more interactive and to physically engage with students as much as possible. They should be allowed on campus and not stuck in their rooms on computers all day. It is the same as giving them a website.

**Deputy Thomas Pringle:** I thank the Ceann Comhairle for the opportunity to contribute briefly to the motion on access to higher and further education. I commend Solidarity-People Before Profit on bringing it forward. It is a wide-ranging and detailed motion and to cover all of it would probably take an hour. That is as it should be.

I want to talk about a couple of issues in my contribution. I would like to begin by welcoming the Minister's announcement of a revamp of the Central Applications Office system and its expansion to allow applicants to access options such as apprenticeships and further education and training, a strategy which will be led by SOLAS. I will touch on this in my contribution.

I want to discuss SUSI. In mid-February I raised the need to address issues with the SUSI grant system. I have raised this important matter a number of times, but inadequacies remain. Last month, I called for the eligibility requirements for SUSI grants to be broadened for higher and further education. All students whose parents earn less than €24,500 a year should qualify for a top-up SUSI grant. It is hard to believe that parents who earn less than that do not automatically qualify. The reality is that unless part of a person's income is made up of a qualifying social welfare payment students will not qualify for a top-up, and parents are affected by that rule. The figure of €24,500 is appallingly low for parents to have to depend on.

There are many issues in how the SUSI grant is decided on. One thing which has always been a bone of contention for me is the fact that self-employed people can manipulate the system much better than PRSI workers who cannot hide their income. A PRSI worker can earn a lot less than a neighbour who is self-employed but whose children will qualify for grants.

I have not received any assurances that the impact of coronavirus pandemic on incomes will be taken into account in eligibility assessments for SUSI. This issue relates to those who are in receipt of the pandemic unemployment payment, as well as those who might have experienced changes in self-employment during the pandemic. Assessment of SUSI eligibility should be determined for PAYE workers on net, rather than gross, income, and deductions should be given for childcare and medical expenses.

It is unfair that students must be over 23 years of age to be classed as independent. I have worked with students aged in their 50s and 60s who are still classed as dependent children because it is easier to qualify for the SUSI grant that way as the system does not accommodate them otherwise. It is absolutely crazy. The relevant age should be lowered to at least 21 years. Young people may live at home longer in Dublin due to skyrocketing rents, but in rural areas they are more likely to live independently than their Dublin counterparts and should be treated as independent students rather than having to rely on their parents' incomes. I have raised the issue of young graduates in Donegal on several occasions. The Government must actively create opportunities for graduates to remain in rural constituencies. Many of us in Donegal have encouraged our young wains to go to college and university, knowing that it is highly unlikely

they will return to their home towns to live and work after graduation. That is the sad reality of the situation. I have three children in college and it is probable that none of them will live in Donegal after they graduate. We are raising our children to go to college and move away. That needs to be reversed.

Where are the job opportunities in the forgotten county? Many people work in the North and are used to travelling back and forth between Donegal, Glasgow and Scotland, but Brexit and Covid have changed all of that. There have been some initial positive reports of people moving back to their home towns during lockdown while they can work from home. The repopulation of rural Ireland is very welcome and I hope the necessary infrastructure and resources are put in place to continue this trend. A train to Donegal might be a bit of a stretch.

My concerns about the working from home phenomenon is that employers will continue to blur the lines of when they expect work to be done. As long as proper boundaries are put in place around the right to switch off, the pandemic creates an opportunity for job opportunities to be decentralised. Workers have to be careful what they wish for because employers will abuse it and make sure they are available at any time of day or night.

I wanted to talk about a number of other issues but I have to give way to my colleague.

**Deputy Michael McNamara:** I wish to raise a couple of points. I thank People Before Profit for the motion and facilitating this timely debate.

With regard to universal access to third level education, I do not have a problem with that *per se* but we need to be cognisant of what is possible. I studied briefly in Belgium - most of my studies were brief – where everybody could go on to third level education. There, they had started to transfer the pressure that we want to avoid in leaving certificate year to the first year of third level. Everybody gets into first year in third level and there is then massive attrition. The hardest and most stressful exams students in Belgium will probably do in their lives are at the end of first year. There was a huge dropout rate. Allowing people to go to university is not necessarily the solution.

I accept that we need greater access and equality of access, but merely allowing people in does not necessarily negate all of the other inequalities. The same cohort who got through the leaving certificate will probably get through the first year of college with exactly the same unequal assistance that their socioeconomic background can provide. We need to be cognisant that the idea that merely abolishing the leaving certificate as it is and allowing people into first year would be a panacea is not necessarily the case. In certain professions, people are expected to work for nothing or next to nothing for a very long time, and are supported by their parents. That is open to some people in society but not to the vast majority. It is a difficult thing to address but one we necessarily have to address.

The next issue I want to raise is apprenticeships. I appreciate what the Government is trying to do by including apprenticeships into the CAO system. They will not be based on points, but we need to give greater weighting to apprenticeships and not just in the construction sector which is what we typically think of when we talk about apprentices.

I cannot think of the name of the particular series, but RTÉ used to make nuanced, slow and good documentaries about crafts in Ireland, from weaving to saddlery, that we do not find any more. We want to move increasingly to a circular economy and have fewer disposable products. What proportion of shoes are now repaired? Are they are worn until there is a blemish in

them and then thrown out?

I do not suggest that people should work for nothing or cheaply, that the type of labour people traditionally carried out should be cheaper or that people should not be paid as much as any other professionals in our economy. They should be. Rather, I am pointing out that there are dwindling skills that need to be protected. Saddlery, wood turning, weaving and other highly intricate skills, which existed throughout our State until about 20 years ago are now dwindling and need to be protected. I am not entirely convinced that the way to do that is just through putting access to these trades or skills on a CAO course. A much greater change in mindset is required from the Department. While I commend the intention behind putting apprenticeships in the CAO system, it may be counterproductive and even if it is not, it simply is not enough. We need to stress to people that third level and the academic third level system is not for everybody and should not be for everybody. That is not to say that it should be for people from a certain background and not for others. There are people from all sorts of backgrounds who are not particularly interested in studying algebra at third level and should not have to.

**An Ceann Comhairle:** We will now hear from the Minister of State.

**Deputy Michael McNamara:** “Hands” was the name of the programme.

**An Ceann Comhairle:** Very good.

**Minister of State at the Department of Further and Higher Education, Research, Innovation and Science (Deputy Niall Collins):** I thank the Deputies for their contributions to this debate. I know that access to education is an issue close to the heart of many Members. As the Minister, Deputy Harris, outlined, since the Department of Further and Higher Education, Research, Innovation and Science was formed last August we have been working to build a strong, flexible and inclusive further and higher education sector for Ireland. Our statement of strategy sets out both our vision of what the further and higher education sector should be and the actions we need to take to achieve this. Over recent years there has been a significant programme of re-investment in higher education and we will continue to build on this. We are committed to engaging in the funding reform process in order to ensure that the further and higher education system is fully and sustainably resourced to deliver the highest quality education possible.

We have ambitious plans to reform the national skills agenda, broaden access to education and ensure that the further and higher systems are integrated so that students and learners can progress along educational pathways that best allow them to develop their skills and reach their full potential. We must ensure that students are aware of all the options available to them as they leave school, so that they can make an informed decision on the pathways best suited for them.

We are taking an inclusive approach to ensure that everyone is provided with the supports they need to participate fully in education. Policies such as our ten-year strategy to improve literacy, numeracy and digital skills are indicative of our commitment to ensuring that education is an option for everyone. Fostering inclusion is one of the core pillars around which the further education and training strategy is built and the national plan for equity of access to higher education sets out a vision of a student body that represents the diversity and social mix of Ireland’s population.

This has been a very difficult year for students and the Government has taken action to miti-

gate the difficulties they are facing. We have doubled the funding available in the student assistance fund, provided €15 million to support access to laptops and other devices and to bridge the digital divide and €50 million was provided to offer financial assistance to higher education students through a €250 grant or fee rebate.

I fully appreciate the sentiment behind the motion and I assure Deputies that access to education for all will remain a core tenet of my Department. The Minister and I will continue to work to create a tertiary education system that can act as an engine of progress and innovation in this country and that provides an opportunity for all to realise their full potential.

**Deputy Bríd Smith:** We have heard often, correctly, during the Covid crisis much concern about mental health impacts, especially on our young people during all the restrictions that have been imposed on them. Sometimes those expressing concerns for young people and their mental health do not generally have a record of concerning themselves about the plight of young people or the issue of mental health in our society. There is no doubt that Covid has impacted on young people in a dangerous and unpredictable way. I am struck by the often hysterical reaction to incidents involving breaches of the restrictions. As regrettable as they are, it is seldom that the same commentators or politicians find space or time to verbalise the same level of outrage in relation to meat plants, construction or other vested interests in business that have done more to take risks that could spread the Covid virus. I did not hear those same voices talk about the impact on young people's mental health when previous Governments slashed their jobseeker's allowance, because they could, because of their age and it has never been restored or when they cut back spending on many of the youth services that are desperately needed to intervene with young people at high risk. Our motion tries to address a range of issues. My colleagues have raised most of them, but I wish to make some general points.

One element which frequently goes under the radar is the position of many young people in apprenticeships. They have to undertake placements and on-site work to progress in their apprenticeships. Covid has thrown much of that into disarray across their grades and set sectors into turmoil. Their ability to get work and to progress, or even to get work to survive, and continue with their apprenticeships has been hugely impacted by Covid. It has shone a light on many weaknesses in our education, health and other services. In the apprentice schemes there are problems which are specific to Covid including delays and lack of training spaces, but the underlying issue here, as with many issues, is the actual financial and other supports that we offer students and apprentices. It would be possible to live with the delays and backlogs in terms of trying to combat a pandemic if young people were assured of getting the supports they need to survive not just in crisis but in general during their education and apprenticeships and that they would not face the same pressures with finance, housing and so on.

We accept a fiction in this country about our education system and, indeed, our society in general. That fiction says that we are a classless society and that education is the great leveller. I even heard the Taoiseach say this in a discussion earlier, the idea that with effort and application, any student can succeed. No doubt many do and many will despite the barriers but it remains a fiction nonetheless, a myth that seeks to hide the reality that this is a deeply class-divided society and system and a society in which the odds and the game are stacked against some young people from a very early age. That is partly why the leaving certificate is elevated to a position of some immense milestone that filters young people and so gravely determines their path in life. If we are truly concerned with young people's mental health then the first step would be to scrap the leaving certificate and to end the pressure it places on young people as some final say in what their future and their future education can be. We know that the playing

field is never level and that the leaving certificate structure discriminates severely against many young people but that discrimination and disadvantage does not start with the leaving certificate exam itself but much earlier. The leaving certificate simply amplifies the problem. That is why the majority of Traveller children do not complete second level education and why children from migrant backgrounds leave school much earlier than their native Irish counterparts. At the same time, school leavers from affluent backgrounds are most likely to achieve high CAO points, giving them a much greater choice in college. Some 32% of students in the leaving certificate with 550 points or more are from the wealthiest families, compared to 3% from the most disadvantaged.

Professor Kathleen Lynch points out that “it is not the job of a democratic Government to ensure that the wealthiest can perpetuate their class privilege through inheriting excessive private wealth at the expense of precarious, low-waged workers on the one hand, and failing to intervene in educational policies that are blatantly class biased on the other.”

**Deputy Richard Boyd Barrett:** I thank everyone who contributed to this debate. Mostly, however, I thank young people and students for forcing these issues to the top of the agenda, especially during this period of Covid-19. I thank the leaving certificate students this year and last year who simply refused to do the leaving certificate examinations, despite the Government’s obsession with trying to carry on with them. Those students insisted they were not going to be forced to do the leaving certificate examinations and they forced the Government to respond to them.

I also thank the student nurses and midwives who educated us all about the dishonesty of the praise for front-line healthcare workers when thousands of student nurses and midwives were working for nothing on the front line during their placements. I thank the occupational therapists, the radiographers and the physiotherapists who contacted us. I extend my thanks as well to the graduate entry medical students, graduate entry pharmacy students and other student health professionals in training for raising the issue of how difficult it is for them to continue and complete their education because of the cost of fees and the exorbitant cost of accommodation. They are just sick of the situation.

In a time when we need those students more than ever, we are making it extraordinarily difficult for them. We put immense pressure and stress on them, instead of making it easier for those students to complete their education, which is of benefit to us all. If we have learned anything from the experience of Covid-19, it is that we need these young people. We need them in our health services. We need young people to build the houses we so desperately require. We need more teachers in our overcrowded classrooms, which are some of the most overcrowded in Europe. We could through the whole list of such requirements.

I thank the Union of Students in Ireland, USI, for their “Education for All” campaign which plays a central part in this motion. The members of that organisation are determined to fight to get rid of fees and to remove the barriers to getting into and completing courses of education. I heard the Minister saying he agrees with much of the sentiment of this motion, but that it will take time to achieve progress and we can only do it incrementally etc.. It is just not good enough to say that he agrees with the sentiment of the motion.

The fact of the matter is that 80,000 students have applied to the CAO application process but only 55,000 places are available. Consequently, 25,000 students who have gone through the anxiety, the hardship, the stress, the competition and the pressure that is associated with the

leaving certificate examinations every year - but that has been added to even more this year because college applications are being undertaken in the midst of a pandemic - are going to be disappointed. Potentially, they are going to be demoralised. It is already an extraordinarily difficult situation. Who is to blame for that? It is the Government and the State, because they should have provided the required 80,000 places. Nobody should have to be demoralised, depressed, feel excluded and be denied access to that next level of education.

If we do not address this situation now, then when will we? If this is not the moment for the Government to make the radical changes to ensure people can progress to the higher education, further education or apprenticeship courses of their choice, then when is it going to do that? If this is not the moment when the Government is going to scrap the fees to remove the pressure that leads to the mental health problems suffered by so many young people and address the great financial pressure being placed on so many families, then when will we do it? If we are not going to regularise the situations of the thousands of people working in the higher education system who are on part-time and temporary contracts and who are underpaid and living in poverty, then when are we going to do that? We need people who do research and who push the boundaries of science, art, culture and technological advancement. If we are not going to address this situation now, after this pandemic and the existential challenge it has posed to our society, then when are we going to do it?

We propose this motion on that basis and I encourage the students and young people who made their voices heard over the last year to continue that fight for education for all.

Amendment put.

**An Ceann Comhairle:** Insofar as a vote has been called, it is deferred until the next weekly division time can be held. I thank the Deputies for their co-operation on this matter.

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

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 37 and the name of the Member in each case: (1) Deputy Jennifer Murnane O'Connor - streamlining the process to seek a refund of phlebotomy charges incorrectly incurred by medical card patients; (2) Deputy Ciarán Cannon - a new training programme for gardai to protect vulnerable road users and establish a dedicated online portal for the submission of video evidence of potential violations of road traffic legislation; (3) Deputy Steven Matthews - to conduct a review of existing mental health services in County Wicklow; (4) Deputy Pádraig O'Sullivan - an update on the plans for St Gabriel's Special School in Bishopstown; (5) Deputy Pádraig Mac Lochlainn - to discuss the Government approach to upcoming EU negotiations on fishing quotas and the need to protect the Irish fishing industry post-Brexit; (6) Deputies Jim O'Callaghan and Chris Andrews - to discuss permitting children to recommence playing sport outdoors; (7) Deputies Ged Nash, Imelda Munster, Fergus O'Dowd - to discuss the need for funding for the Drogheda Northern Port access route; (8) Deputy Louise O'Reilly - to discuss the appointment of additional inspectors to the Workplace Relations Commission; (9) Deputy Willie O'Dea - to discuss increasing the basic rate under the wage subsidy scheme; (10) Deputy Niamh Smyth - to ask the Minister to urgently implement the key recommendations of the Hennessy report and introduce a co-financed funding scheme (industry and State) as outlined to support the poultry sector in Cavan Monaghan; (11) Depu-

11 March 2021

ties Paul Murphy, John Lahart, Seán Crowe and Francis Noel Duffy - to discuss the response to open drug dealing and drug-related intimidation in Dublin South West; (12) Deputy Matt Carthy - to discuss plans for the opening of the Group Home in Carrickmacross for people with physical and sensory disabilities; (13) Deputy Jennifer Whitmore - to discuss the urgent need to tackle gorse fires in the Wicklow mountains and our national parks; (14) Deputies Carol Nolan, Mattie McGrath and Michael Collins - to discuss the financial impact on the Agri-Merchant sector of upcoming EU regulations governing the prescribing of certain veterinary medicines; (15) Deputy Aodhán Ó Ríordáin - to discuss the increasing concerns identified in second level schools in North Dublin for the new school year in September 2021; (16) Deputy Dessie Ellis - to discuss issues at a vacant apartment complex located at Prospect Hill, Finglas; (17) Deputies Neale Richmond and Jennifer Carroll MacNeill - to discuss issues concerning operations of the Passport Office; (18) Deputy Pat Buckley - to discuss water and sewerage capacity issues highlighted by Irish Water in the Midleton area of Cork; (19) Deputy Maurice Quinlivan - to discuss the pending job losses at Rehab Logistics Facility at Raheen, Limerick; (20) Deputy David Stanton - to discuss the shortage of places in second level schools in the East Cork area for the 2021/2022 academic year; (21) Deputy Kieran O'Donnell - to discuss plans to recommence the assessments on primary medical certificate applications; (22) Deputy Mick Barry - to discuss the recent announcement of compulsory redundancies in OCS at Cork Airport; (23) Deputy Thomas Gould - to discuss the continued closure of Southdoc Blackpool, Cork; and (24) Deputy Kathleen Funchion - to discuss supports and public awareness programmes in place to address the consequences of Covid-19 on mental health in the aftermath of the public health emergency.

The matters raised by Deputies Jennifer Murnane O'Connor; Paul Murphy, John Lahart, Seán Crowe and Francis Noel Duffy; David Stanton; and Jennifer Whitmore have been selected for discussion.

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

### **Medical Cards**

**Deputy Jennifer Murnane O'Connor:** I welcome the new arrangements announced recently by the Minister of State, Deputy Feighan, for those with medical prognoses of up to 24 months to be eligible for a medical card. I would go further in this regard and state that all cancer patients, regardless of their prognoses, should be automatically approved for a medical card. Cancer patients can be given a discretionary medical card, but there are no common rules for applying that discretion and there are delays in the application system. I ask the Minister of State to examine this situation.

The existing medical card system has many issues. While this temporary arrangement fixes one issue, there are others and I am here to discuss one of those issues today. The provision of routine blood tests without charge to holders of medical cards or general practitioner, GP, visit cards is included under the current general medical services, GMS, contract. However, some GPs continue to charge GMS patients for blood tests in some circumstances. There is no provision under the contract for medical card or GP visit card holders to be charged for blood tests provided by their GP to either assist in the diagnosis of illness or the treatment of a condition. These blood tests should be free of charge for patients who hold a medical card or GP visit card.

In the midst of a pandemic, my office is still inundated with calls about GPs charging some people who have medical cards for blood tests. I am concerned that the only way to have these charges refunded is to write a letter to the HSE seeking it. The patient in that case must compose a letter outlining why he or she went to the doctor to have their blood test and they then have to send the letter to the HSE.

I recently submitted a parliamentary question on the numbers seeking such refunds in my constituency. I was informed by the HSE that seven refund applications were made last year and seven refunds were issued. My office is inundated with calls on this matter, so I am certain that the procedure to apply for the refund is a barrier to applicants. More people come to me than these figures would suggest and we do our best to help them. The act of having to lay out all the information in a letter is difficult, however, and I do not think we should be allowing this to happen.

If legislation is needed, I am happy to work with the Minister of State on it. If GPs need to be guided in a better way, I am also happy to assist the Minister of State with that endeavour. At the very least, however, we must stop this charging for blood tests for medical card patients when they are not supposed to be charged. I am happy to help and to seek the refunds on behalf of my constituents, but it is wrong that this must be done. It is wrong to put patients through this process and I ask the Minister of State to examine a better option. These tests should be free and we must get some legislation in this area.

While I am talking about the subject of medical cards, another issue on which I am receiving many calls concerns dentists not taking medical cards. I have been contacted by several people with medical cards and they have told me that dentists will not take their medical cards. That is unacceptable. We must ensure that cannot happen and I ask the Minister of State to ensure that we get this situation sorted out as soon as possible. It has been a year and the issue persists.

**Minister of State at the Department of Health (Deputy Frankie Feighan):** I thank the Deputy for raising this important issue. Persons who are eligible for GP care without charge under the Health Act 1970 are not subject to co-payments or other charges in respect of such services. There is no provision under the general medical services, GMS, GP contract for persons who hold a medical card or GP visit card to be charged for routine phlebotomy services provided by their GP that are required to assist either in the diagnosis of illness or in the treatment of a condition. The HSE has advised GPs that where a blood test forms part of an investigation or necessary treatment of a patient's symptoms or conditions, this should be free of charge for patients who hold a medical card or GP visit card. Routine blood tests that are deemed clinically necessary by the patient's GP are comprehended by the scope of this service.

Notwithstanding this, the Minister, Deputy Donnelly, is aware that some GPs are charging GMS patients for phlebotomy services in some instances. The issue of charging GMS patients for phlebotomy services is complex, given the numerous reasons and circumstances under which blood tests are taken. The matter is further complicated by the fact that it is difficult to make precise distinctions between routine and non-routine phlebotomy services.

It is a matter for the treating GP to determine in the case of each individual patient what is proper and necessary care. In circumstances where a GP determines that a particular treatment or service requested by a patient is not clinically necessary but the patient still wishes to receive same, it is at the GP's discretion as to whether a charge is imposed for providing the service. The GP chronic disease management programme will involve the ongoing monitoring of pa-

tients' condition, and any blood test required in this context will be covered by the fees payable for this care. Where a patient who holds a medical card or GP visit card believes he or she has been incorrectly charged for routine phlebotomy services that he or she should have received without charge, he or she should report this to the HSE local primary care management, which will investigate the matter.

The role of local primary care management within each community healthcare organisation, CHO, is to investigate in the first instance the validity of any claim a GMS patient makes regarding charges inappropriately levied by his or her GP of choice for blood tests undertaken at the GP's practice as part of the investigation and necessary treatment of the patient's symptoms or condition. If it is established an inappropriate charge was levied on the patient for routine phlebotomy services, the HSE primary care eligibility and reimbursement service, PCERS, is notified accordingly. PCERS will, based on the recommendation of the local health manager, make a full refund to the patient concerned. Given the complexity of the issue, it is not possible to further streamline the process of seeking refund for blood test charges.

**Deputy Jennifer Murnane O'Connor:** That is not acceptable. If a patient has a medical card or GP visit card, he or she should be entitled to a free blood test. I compliment doctors. I know how hard they have worked, particularly in the past year with Covid. It has been very difficult for everyone. Even so, vulnerable, often elderly, people who have medical cards have approached me on the matter. When someone has a medical card or a GP visit card, he or she should automatically be entitled to a free blood test. I do not accept the Minister of State's response. It is not the right answer and I ask him to reconsider it. We need to address the issue. I have had several phone calls about it. It is very unfair for people who have to write to the HSE and explain why they had a blood test. It is not acceptable. I urge the Minister of State to seek that all medical card and GP visit card holders will be allowed to get a free blood test.

I wish to raise also the issue of medical cards in respect of dental treatment. Covid has been so hard on everyone. This year has been very difficult. I know how hard our front-line workers and doctors have worked, but I had phone calls this week but from two people who have medical cards. They were both told by dental clinics that they would not accept medical cards. Again, this is unacceptable and we need to examine it. What can we do to sort this out? What can I do to work out the issue for those people who came to me? We need to do something. I do not know how many dentists are refusing medical cards but I have received phone calls to say that some are. The same is true of some doctors. I ask the Minister of State to reconsider this and to revert to me with some sort of answer and solution. We cannot have this going on. It is unacceptable.

**Deputy Frankie Feighan:** I again thank the Deputy for raising this important issue. I will bring her concerns to the Minister because she has articulated them in a passionate and informative way, and I hope this will be dealt with. The position of the Department and of the HSE has consistently been that routine blood tests are comprehended by the provisions of the GMS and that there should be no charges for routine blood tests. As I mentioned, however, the issue of GPs charging GMS patients for phlebotomy services is complex and the Department and the HSE have discussed this issue with GP representatives. Unfortunately, it did not prove possible to reach agreement that no charges for blood tests would be applied in any circumstances, but it is intended to raise the issue again at an appropriate time. The HSE has put in place a process whereby the local health office will investigate on a case-by-case basis complaints from GMS patients who believe they have been inappropriately charged and will, where appropriate, arrange for a refund to the patient.

I have listened to the Deputy and will bring the issue to the Minister to try to get it resolved as quickly as possible. It is not satisfactory but issues need to be resolved between all the stakeholders. I hope they will be resolved as quickly as possible.

**An Ceann Comhairle:** I am charged through Standing Orders with adjudicating on complaints from Deputies about responses to parliamentary questions or to Topical Issue matters, and I get many complaints. I would certainly welcome a complaint about this response because, while I do not in any way blame the Minister of State, who always comes to the House to do his very best, it seemed to be nothing more than an unadulterated fudge.

### **Drug Dealing**

**An Ceann Comhairle:** I welcome the Minister of State, Deputy Browne.

**Deputy Paul Murphy:** This matter arises from a meeting we had with community drug project managers last week. The meeting represented a cry for help and an appeal for help to the Minister of State and the Government in respect of the projects in Tallaght and Whitechurch and, I am sure, throughout the city and country. There is a new drugs crisis in our communities. Widespread crack cocaine use is devastating families. They are paying drug debts, unable to afford food or to heat their homes or pay for electricity, going to the local shops and having to give up all their money for debts in advance of getting to the shop to pay the bills or to buy food. It is horrendous. Abuse and addiction are deeply rooted societal issues connected to alienation, deprivation and so on, but one important part of the solution is the heroic work done by drug projects in our communities. They have suffered cuts and are scrambling around for funding, unable to do what they want to do. They need assistance.

**Deputy John Lahart:** As my constituency colleague said, this is a plea from and on behalf of those on the front line in meeting the consequences of drug misuse in our constituency, namely, the drugs and alcohol task forces and those who work with them. It is a plea for help, not just to the Department but also to the Departments of Health, Justice, Education and Children, Equality, Disability, Integration and Youth. Without drugs task forces, children, sons, daughters, fathers and brothers would simply have nowhere to go to seek help. This House really has no idea of what these workers confront every day and every week. We have an opportunity to start again, to start afresh and to analyse the supports that are required, the interventions that are needed and whose responsibility it is to provide them. The only answer is for every stakeholder with a responsibility and a role to play in this area to come to the task forces' table and to be an active participant on a monthly basis. If these stakeholders play their role, we will look for the resources necessary to back up any required interventions.

**Deputy Seán Crowe:** My constituents should be able to go to their local shop to buy a newspaper or a pint of milk without having to pass through a gang of drug dealers. They should be able to go to their local medical centre without having to witness drug dealers buying or selling drug prescriptions from patients leaving the doctor's surgery. They should be able to go to their local post office without having to witness the drug dealers handing out children's allowance books to mothers who supposedly have a drug debt. The mothers collect the payment and then hand back the book. Children should be able to go to school without having to witness drug deals going down at the school gates, but this is happening. Children should not be going to sleep hungry, but this is also happening in my constituency. Many of them would not be fed if not for food parcels. My constituents who are in recovery and rehabilitation should not have to

pass drug dealers outside the very services they attend for counselling and addiction supports.

**Deputy Francis Noel Duffy:** I thank the Minister of State for his time in addressing this issue. I echo my colleagues' statements and reiterate the gravity of the situation in Dublin South-West. It is dire and, in the words of a local drug and alcohol task force worker, the area has become a drug trade ecosystem. It is necessary to work towards establishing safe zones protected by the Garda to allow people to go about their daily lives without feeling intimidated or fearing for their safety. I would appreciate it if the Minister of State would commit to considering this. I also ask the Minister of State to review the funding given to these task forces to sustain their projects considering the significant cuts in funding made due to the financial crash. Funding could potentially be drawn from the moneys seized by the Criminal Assets Bureau.

**Minister of State at the Department of Justice (Deputy James Browne):** I thank the Deputies for raising this very important matter. I am acutely aware of the impact that open drug dealing and the associated intimidation is having on communities across the country. Organised criminal activity, including drug dealing, represents a serious threat to community safety but it is also important to remember that drug-related intimidation and open drug dealing cause sustained and significant damage to communities over time, contributing to a lower quality of life for local residents and an erosion of community esteem.

The continued disruption of the supply of illicit drugs, including crack cocaine, remains a priority for An Garda Síochána and the other State agencies tasked with responsibilities in this regard. A concerted effort has been made over the past year to ensure that the detection and prevention of these types of criminal activity are not adversely affected by the unprecedented demands placed on policing services by the vital enforcement of public health restrictions.

The Garda National Drugs and Organised Crime Bureau is having continued and significant success in disrupting drug trafficking and the supply of illicit drugs by organised crime groups. Its work is supported by divisional drug units which tackle drug-related crime locally throughout the country. There is collaboration with other law enforcement partners and by all gardaí working in local communities. Divisional drug units are now established in every Garda division.

Recent major seizures include €12 million worth of cocaine seized in a collaborative operation between the bureau and Revenue's customs services in Cork on 18 February and the seizure of €1.1 million worth of crack cocaine, cocaine and cannabis herb in an operation led by the district detective unit in Tallaght on 2 February. The Deputies may wish to note that the Garda National Drugs and Organised Crime Bureau has seized controlled substances worth a total of more than €26 million in the first two months of this year alone. I welcome these significant seizures and the reassurance that these policing successes bring to communities.

I can confirm that there was a 10.7% rise in the number of gardaí assigned to the Dublin metropolitan region south division between December 2017 and February 2021. The total number of members serving there is now 589. There has also been a significant rise in Garda civilian staff assigned to the division. There are now 55 such staff, an increase from 36 in 2017.

The Deputies will be aware that the Government has in place a national drugs strategy, Reducing Harm, Supporting Recovery, a health-led response to drug and alcohol use in Ireland for the period from 2017 to 2025. The strategy is unique among the national drugs strategies across EU member states in recognising the need to address drug-related debt and intimidation at a

community level. An Garda Síochána is working to provide strong supports for those who fall victim to this behaviour. A Garda inspector is nominated in every Garda division and individuals and families experiencing intimidation can make contact with their local inspector through their local Garda station.

An Garda Síochána regards drug-related intimidation as a very serious issue and urges people to seek help and support from their local gardaí, even where a person has felt compelled to pay money to those engaged in drug-related intimidation.

This Government will continue to support the drug-related intimidation reporting programme developed by the National Family Support Network in partnership with An Garda Síochána to respond to the needs of drug users and families facing the threat of drug-related intimidation in line with the programme for Government.

**Deputy Paul Murphy:** The Minister of State's response really sums up the problem. That is not personal but the problem is summed up in the fact that it is the Minister of State, Deputy James Browne, giving the response rather than the Minister of State, Deputy Feighan, and the fact that the major thrust of the answer relates to justice, gardaí, extra resources and so on. This approach is not working. The crisis is getting worse. Those on the front line, who are playing a crucial role in helping a great many individuals with their problems, in helping to get free of drugs and in improving our communities, are not getting the support they need. There is a crisis with regard to funding. There have been cuts in direct funding and staff funding. Occasionally these services can get one-off funding for pilot programmes. If they then find the pilot programme works and want to keep it running, they cannot get more funding and have to try to get it from somewhere else.

**Deputy John Lahart:** I mentioned in my opening remarks that every Department - and I named them - needs to come to the table, to meet the drugs task forces and to make sure that the people who traditionally sat around this table but who have fallen away over the years get back to it. I welcome the Minister of State's comments about drug seizures but, with regard to the Criminal Assets Bureau, what could be more symbolic a gesture than the money found in the boot of a car on the Firhouse Road being returned to the community that is fighting drugs? I ask the Minister of State to make the case for finding a procedure to allow proceeds of the drugs trade found and seized by the bureau to be returned to the community to fight the scourge of drugs.

**Deputy Seán Crowe:** In his reply, the Minister of State said that this is a priority, but what exactly does that mean? Is the issue prioritised with regard to resources? The Minister of State talked about significant success and the seizures that have occurred. All of this is very welcome but the reality is that it is not success for a community if it is still suffering every day of the week. That is what my community is saying to the Minister of State here tonight. It is saying that we are not being successful but are actually failing the young people we represent. We are seeing open drug dealing every day of the week. Those who are at the other end of the issue and who are trying to get support have to run a gauntlet of drug dealers. It is wrong and we need to do things differently.

**Deputy Francis Noel Duffy:** This is very simple. There are two issues involved; the task forces are seriously starved of funding and gardaí are just not doing anything and are letting this situation continue. That needs to be dealt with. Gardaí need to get tough on these guys and move them on while the funding issue must also be dealt with.

11 March 2021

**Deputy James Browne:** I reject the statement that gardaí are doing nothing and are simply letting things happen. That is not an acceptable statement to make about An Garda Síochána and about what its members are doing on the front line, especially during the Covid pandemic of the last year. I understand the Deputies' justifiable concerns around drug dealing throughout our communities. The principal aim of the Department of Justice, An Garda Síochána and everybody under them is that we have safe communities. There are serious concerns around certain communities where people feel intimidated and under serious threat.

Under my remit, I will be bringing the youth justice strategy to the Cabinet table in the coming weeks. Within that, for the first time we are bringing all of the Departments together to tackle the issue of young people getting involved in crime. The Greentown project is targeting the disruption of criminal networks that are bringing young people into crime. We have the Probation Service, and the strategy itself will involve every community. We also have three pilot projects in community safety partnerships. These will effectively address what Deputy Lahart is talking about, namely, getting those people around the table. The community safety partnerships will set up a system somewhat similar to what local community development committees, LCDCs, work on by getting everybody around the table and working together to try to tackle the issues that are there. I will bring forward the issue of money seized by the Criminal Assets Bureau being reinvested into the local community. It is probably a matter for the Department of Finance in the first instance but I will bring that issue forward.

There are real concerns, I hear the Deputies and I will bring these concerns to the Minister to see how much further we can bring them. The youth justice strategy that is coming forward will not address all of these issues by any means, but it is possibly a strong template we can look at to work at getting everybody around the table together.

### **School Enrolments**

**Deputy David Stanton:** I thank the Ceann Comhairle for selecting this Topical Issue matter and I thank the Minister of State for being here. Every year we have pressures in east Cork with regard to second level school places. Thanks to the work of the departmental officials, the education and training board and the principals of the local schools, it has been resolved every year, but every year it becomes more pressurised and it takes longer. I am sure the Minister of State will appreciate the stresses and worry that occur in families where a child does not have a place in a secondary school and that child is asking what is wrong with him or her and wondering why he or she has not been offered a place.

I am particularly concerned about this year. All of the principals came together earlier in the year and they compared notes, lists and so on, but from the work I have done on the ground, I am concerned there could be up to 100 students without school places in September unless serious action is taken. I wrote to the Minister on this last December. She responded to me after Christmas and I thank her and her office for that. She spoke about duplication of applications, school of choice, pupils being unable to get a place in their preferred school, some towns having single-sex schools, and an external draw with people coming from outside of the area. All of these issues have been dealt with by the principals and we still have a situation where in some schools there are up to 40 students who have not applied to any other school and who are on a waiting list to go to one particular school.

The principals are working hard, their staff are working hard and I pay tribute to what they

have done over the Covid period but this is coming up fast and we need to get a plan in place now. We know it takes time to put a plan in place so that all of these students can be offered a place in September. The forward planning needs to be addressed. I am lucky to be in an area that is growing where more housing is being built and planned, and as we know, it takes quite a while to put a school in place. Some of the schools there are old, the buildings are old and the campuses are already very cramped and need to be replaced, especially St. Aloysius' College in Carrigtwohill and St. Mary's High School in Midleton. They could do with new campuses. A couple of years ago, Midleton CBS Secondary School got a brand new campus, and St. Colman's Community College in Midleton has also got a big extension. The area is growing rapidly and the waiting lists are there now. The principals have worked as hard as they can and I have spoken to quite a few of them.

The only entity that can deal with this and take a bird's eye view is the Department of Education. I know some of the officials are seized of this but I ask them to redouble their efforts, engage with the schools, double-check the lists, find out exactly what the real number is with respect to children who do not have a place, and work hard to make those places available. I know my other Oireachtas colleagues are available to assist and support with our local knowledge if that is required or helpful.

On that issue, we have been arguing for quite a while about a new second level school in Carrigtwohill. It has been in the planning process for a long time. We are told the tenders will be issued at the end of the first quarter, which is very soon. The students in that excellent school are in temporary accommodation and they have been there for quite a while. We need that school to advance. It will possibly take two years to build before students can go in the front door.

The Ceann Comhairle will appreciate my concern that, at the end of August and in early September, we will still have students without school places. What do we tell the parents? Where are these children to go? What is the solution? It is serious and urgent. I need officials from the Department to drill down into the waiting lists and figures and come up with answers and solutions on accommodation for these children pretty soon.

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank the Deputy for raising this matter as it gives me the opportunity to outline for the House the position with regard to post-primary school development in east Cork. To plan for school provision and to analyse the relevant demographic data, the Department divides the country into 314 school planning areas and uses a geographic information system, GIS. The GIS uses data from a range of sources, including child benefit data from the Department of Social Protection and the Department's school enrolment databases, to identify where the pressure for school places across the country will arise.

This process has been strengthened this year through three specific initiatives. First, there has been enhanced engagement with local authorities on the information on residential development incorporated in the analytical process. Second, there has been additional engagement with patron bodies on their local knowledge on school place requirements. Education and training boards, diocesan offices and national patron bodies such as Educate Together and An Foras Pátrúnachta can also be important sources of local knowledge. This will add to information provided to the Department by local authorities or individual schools. Third, there is a utilising of information which is gleaned from schools under the national inventory of school capacity, which was completed by individual schools last year as part of the primary online database,

POD, and post-primary online database, P-POD, returns process.

Where data indicate additional provision is required at primary or post-primary level, the delivery of such additional provision is dependent on the particular circumstances of each case. It may be provided through either one of the following measures or a combination of them: utilising existing unused capacity within a school or schools, extending the capacity of a school or schools, or provision of a new school if and where required. In a regular year, addressing the increased demand for school places, while challenging, is manageable. Generally, there is a utilisation of existing spare capacity within schools, rental, temporary accommodation or other short-term measures, pending the delivery of permanent accommodation.

Where capacity issues arise, it may not be as a result of lack of accommodation but may be driven by other factors. The Deputy mentioned the Minister wrote to him after Christmas and outlined the matter of the duplication of applications. The Deputy mentioned the principals say they have dealt with this and I will inform the Minister of that. That is a factor that is taken into account. The duplication of applications occurs when pupils have applied for a place to a number of schools in an area. School of choice is another factor whereby pupils cannot get a place in their preferred school, while there are places in other schools in the town or area. Some towns or areas have single-sex schools, and while places are available in that school, they are not available to all pupils. An external draw also takes place, whereby pupils are coming from outside the local area.

Similar to the process adopted in advance of the current academic year, the Department has been engaging with patron bodies in east Cork to identify particular capacity requirements for the forthcoming year which may necessitate action. I heard the figure the Deputy mentioned. I understand this process is nearing completion and the schools in the area will be in a position to offer additional places in the coming weeks.

*8 o'clock*

It is also open to patrons of schools to submit applications for additional interim accommodation to the Department for consideration should this be required.

**Deputy David Stanton:** I thank the Minister of State for her response. I note the three points she made. She spoke about availing of unused capacity. However, all the schools are full and they all have waiting lists. She also suggested extending capacity. Some of the schools cannot do that because, physically, it is very difficult for them to do that. Two of the schools will probably need a brand-new campus because they are old and already stretched to the limit. I would welcome a new school but that will take some time to be delivered.

I ask the Minister to keep me and my colleagues apprised of the figures that have been made available to the Department. I am concerned about patrons asking for extra accommodation because there is no compulsion or onus on them to do that. If schools are already stretched to the limit and do not have space, they will be slow to do that. We must also consider health and safety requirements. If a school is already creaking under the number of students it has and cannot take any more physically, it is unsafe and unfair to shoehorn more students in there for want of a better way of putting it. That is also wrong.

There may be other solutions involving other buildings in the area that might be utilised in the interim. There are plans to build more houses in the area for young families. Indeed, more houses are being built in the area and are coming on stream quickly. We need advance planning

in order to have more secondary school places. I listened to the earlier debate on further education. Students need the best of facilities that we can offer. They need gymnasiums and other physical education facilities, science labs, workshops and so forth. In some instances, these can only be provided by building new schools.

I recognise that departmental officials have been working on this matter. I ask them to re-double their efforts. This is serious. Even with what they have planned already, we could still have up to 100 students without places in September and I am at a loss to know what they will do. I ask the Minister of State to take those issues back to the Department. I thank her for being here and for her words.

**Deputy Josepha Madigan:** I thank the Deputy for raising his concerns on the matter. Obviously, it is critical from the perspective of the Department and of the Minister, Deputy Foley, that we do not just provide school places for the existing school-going children but also forward plan into the future as the Deputy correctly stated in his contribution. That is why the mechanisms by which we do our forward planning are used by the Department. For example, I mentioned the GIS earlier for the 314 school planning areas and that needs to be done.

I understand that there have been ongoing conversations with the patron bodies. We do not want any child to be without a school place in September, let alone the 100 children the Deputy mentioned. I understand how the Department will meet those capacity challenges. One of the ways of doing that is by accelerating the delivery of school building projects. There are 200 ongoing building projects and some of these will provide additional accommodation. They will also accelerate the delivery of small-scale projects which are currently at the preplanning stage. In addition, they will deploy prefabricated modular accommodation solutions to provide additional classroom capacity where it is required.

The Department can also rent available spaces within the community for use by schools. All these mechanisms will be used where necessary. There are three very strong post primary schools in east Cork: the Ballincollig school; the new post-primary Carrigtwohill community college - I acknowledge that a permanent building is still to be constructed; and the new post-primary school in the Cork south suburbs. I reassure the Deputy that I will take his concerns back to the Minister and ensure that every child in east Cork will have a secondary school place in September.

## **Gorse Burning**

**Deputy Jennifer Whitmore:** I thank the Minister of State for coming to the House. As he is aware, just four days ago, on Sunday 7 March, 18 firefighters, two Civil Defence units and the National Parks and Wildlife Service tackled a large gorse fire at Scarr Mountain in County Wicklow. This fire ended up scorching 50 ha of land designated as special area of conservation, which is our national park in Wicklow. These gorse fires are illegal from 1 March and this fire marks the start of the illegal fire season, which is a cyclical event that causes untold environmental, human and economic damage, not to mention putting firefighters, the Air Corps and emergency workers at risk.

Last year, a disproportionate number of illegal fires occurred in the Wicklow Mountains National Park. There were six as of June 2020 with one other major fire recorded in Killarney. More than 400 ha of protected land as well as wildlife were destroyed. In one area of common-

11 March 2021

age in the park, there have been illegal fires on the same land for 11 of the 19 years up to 2019. This land will take years to recover from an environmental perspective. The fire damage has been so frequent and intense that the land may never recover. It is not just from an environmental perspective because the burning of this land also impacted heavily on the air quality in the area, on the headwaters of the Liffey and on drinking water piped into Dublin.

Illegal fires on that scale also contribute greatly to our CO2 emissions which we struggle to try to drive down. From an environmental and biodiversity perspective, they are devastating. It can take years for land to recover and for wildlife to recover. They are devastating for wildlife and for bird populations. According to Birdwatch Ireland, red grouse, whinchat, meadow pipit and amber-listed species including skylark and stonechat are most at risk from gorse fires. Of course, for any birds that are breeding at the time, their nests and their young could be burnt, and it will stop them from foraging for food in nearby areas.

My constituents, both urban and rural, are tired of these fires happening every year. They are tired of seeing our firefighters having to fight fires that should not be happening in the first place. They are tired of the pollution and the threat to lives and property, and of the damage to our wildlife and to our national park. When I was first elected, I spoke about these fires and we are here again saying the same things and asking the same questions. We need to tackle the problem properly. The measures that have been put in place so far are not achieving what we need them to achieve. We cannot tolerate these fires anymore. We need to put a major effort into ensuring they do not happen.

I welcome that the Minister of State visited this site this week and I thank him for coming to Wicklow to check the land out. However, we need to see tangible action. What actions is the Minister of State taking to ensure these fires are stopped once and for all?

**Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan):** I visited the Wicklow Mountains National Park this week and I met Wesley Atkinson and Hugh McAlinden, two members of the National Parks and Wildlife Service team the Deputy knows. I witnessed at first hand very significant damage to the habitat there. It was quite disturbing to see it close up.

I thank our team in the National Parks and Wildlife Service, the fire service, An Garda Síochána, the Civil Defence and all who worked to tackle this blaze and are continuing to work throughout the country. Similar fires have taken place in the Slieve Bloom Mountains and on Brandon Hill in my county.

These wildfires do not occur naturally in Ireland. The main cause of such conflagrations is thought to be the deliberate starting of fires without concern for the emergency services, the wildlife habitat, communities or even private property close by. Important upland habitats are destroyed with local wildlife potentially killed or displaced at a critical time of year for many species. These sites are special areas of conservation and among the most precious places in Ireland for nature, and home to thriving populations of rare bird species. Setting these fires is absolutely criminal and an all-too-frequent tragedy. These fires impact on water quality and on soil stability, on climate and on human health. As the Deputy will appreciate, Wicklow Mountains National Park comprises more than 20,000 ha and so it is very difficult to provide a visible presence on the ground to discourage and prevent unauthorised burning in the countryside. Equally, trying to identify the culprits - those who deliberately set fires in open areas without concern for the consequences - can be difficult. The Deputy made that case in regard to an area

that has been burned 11 times. It is very difficult.

In the past week, the National Parks and Wildlife Service, NPWS, has deployed increased fire patrols at our sites and remains in close liaison with the Garda and the fire services. These patrols have targeted known fire high risk areas. Where appropriate, cross compliance is pursued with the Department of Agriculture, Food and the Marine. My staff are committed to finding solutions to these fires and I call on all stakeholders, including the local communities, to work with us to find a way forward. Where evidence is forthcoming, we will pursue appropriate enforcement under the Wildlife Act or other legislation. Section 40 of the Wildlife Acts 1976 to 2012 prohibits the cutting, grubbing, burning or destruction of vegetation, with certain strict exemptions, from 1 March to 31 August, during the nesting and breeding season for birds and wildlife. Burning of vegetation on uncultivated land is prohibited without exception during these dates. These fires are criminal and frequently end in tragedy.

Considerable inter-agency efforts have been made to reduce the incidence of wildland fires, led by my colleague, the Minister for Agriculture, Food and the Marine, whose Department monitors conditions and issues wildland fire warning notices. That Department has led inter-agency reviews with a view to enhancing the mitigation of wildland fires.

The main challenges include encouraging members of the public, including landowners, farmers and recreational users of publicly accessible land, to act responsibly at all times, to be mindful of their own safety and the safety of others, to be mindful of the need to protect property both publicly owned and privately owned, to appreciate the value of our natural heritage, particularly in our national parks, nature reserves and designated Natura 2000 sites. I appeal to all members of the public to be conscious of the danger posed by fire - any fire - but particularly a fire on open ground which can very quickly get out of control. We have all seen how homes and lives can be threatened and we have seen also the damage to the landscape and to valuable habitats caused by uncontrolled fires. Largely, it is a question of individuals being more responsible about actions they take and being mindful of the potential damage to life, private property and public property that can be caused by carelessly setting fires.

**Deputy Jennifer Whitmore:** I thank the Minister of State. I welcome that national parks are being tasked with more intensive targeted measures, but, unfortunately, it seems to me like it is more of the same. Each year this happens, there are calls for more penalties and greater investigations, but each year it happens. We need a rethink and to look again at how we are managing this problem because the solutions that are being put in place are not working. Fundamentally, it comes down to the fact that we are talking about a national park, an area that is one of our few protected areas in the country, and we do not even have a management plan for it. We do not have a plan that states biodiversity protection is the number one priority in this area. That is key. None of our national parks has a management plan. It is a derogation of our duty not to have such plans in place.

The second issue we need to look at is why people are burning. People know it is not good to do it. They know it is not good for the land or their neighbours. They know also that it is not good to have fire fighters trying to put out these fires. Why then are they burning? They are doing so because the policies of the Department of Agriculture, Food and the Marine over years incentivise them to burn. The Department has identified land that is deemed marginal and scrubby and it will not make payments on land in that condition. Essentially, we are saying to farmers that if they want payment for that land they need to make it productive. We need to flip that on its head. We need to make sure that farmers are paid to protect our land and that we

11 March 2021

value what they are doing in protecting our biodiversity, our environment, our soil, our trees and so on. We need to rethink and flip what we are doing on its head because what we are doing is not working. We need to work with farmers and local communities and put in place measures that will work.

I ask the Minister of State to establish a task force comprising officials from the Departments of Agriculture, Food and the Marine, Housing, Local Government and Heritage and Environment, Climate and Communications to look again at how this is happening and to work with the farming community, the ecologists and the local communities to make sure that measures that will work and achieve our aims are put in place.

**Deputy Malcolm Noonan:** In terms of reassurance, it is important to note that significant conversations are taking place in regard to the next CAP strategic plan, looking at results-based payments for Natura 2000 sites, special protected areas, SPAs, and special areas of conservation, SACs. Those conversations are ongoing. It is fair to say that there has been a significant increase in investment in our national parks and nature reserves. We are employing additional park rangers and ecologists throughout the country. There is a significant challenge there, but that challenge is being met by Government acting to try to respond. I understand from the conversation I had on Tuesday last with the rangers on the ground that it is notoriously difficult to secure prosecutions and to catch people in these situations. Increased patrols, drones and other technologies to help in that regard are being deployed at all times, along with the additional work with the fire services.

I assure the Deputy that in regard to these incidents the Department of Housing, Local Government and Heritage, the National Parks and Wildlife Service and the Department of Agriculture, Food and the Marine are working closely to try to tackle the root cause of these fires. The Deputy is correct in terms of the eligibility around farm payments. The Department of Agriculture, Food and the Marine has made clear that clearing lands of scrub will not be a conditionality of additional payments the following year. The Department is being clear in its messaging to landowners.

It is important as we enter into an opening up of the country in the coming months that everybody behaves responsibly around our uplands, nature reserves and national parks because they are a huge asset and have proven to be a huge asset to us over the past year in particular. I assure the Deputy that we will do all we can to try to eliminate this problem.

**An Ceann Comhairle:** Gabhaim buíochas leis an Aire Stáit agus leis an Teachta. Leis sin, táimid tagtha go dtí deireadh na seachtaine. Bíodh Lá Fhéile Pádraig taitneamhach agaibh uilig. Tá an Dáil ar athló go dtí 10 a.m. Dé Céadaoin, 24 Márta, anseo san ionad.

The Dáil adjourned at 8.17 p.m. until 10 a.m. on Wednesday, 24 March 2021.