



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 24 Samhain 2021

Wednesday, 24 November 2021

Chuaigh an Leas-Cheann Comhairle i gceannas ar 9.10 a.m.

Paidir.

Prayer.

Ábhair Shaincheisteanna Tráthúla - Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Michael Healy-Rae - to discuss snail farming; (2) Deputy Louise O'Reilly - to discuss a shortage of secondary school places in north County Dublin; (3) Deputy Neale Richmond - to discuss an update on a permanent site for Goatstown Educate Together Secondary School; (4) Deputy Holly Cairns - to discuss the sale of publicly-owned forestry at Riverstick, County Cork; (5) Deputies Richard Bruton and Jennifer Carroll MacNeill - to discuss the impact of the pilot undertaken for the school inclusion model; (6) Deputy Brian Stanley - to discuss the need for insulin pump services in the adult diabetic clinic in Portlaoise hospital; (7) Deputies Martin Browne and Pauline Tully - to discuss the Ombudsman's report entitled, Grounded - Unequal Access for People with Disabilities to Personal Transport Schemes; (8) Deputies David Cullinane, Pádraig Mac Lochlainn, Rose Conway-Walsh, Máiréad Farrell, Martin Kenny and Claire Kerrane - to discuss the trolley, waiting list and emergency department crisis in the Saolta Hospital Group; (9) Deputy Marian Harkin - to discuss the siting of wind farms on mountain sides, especially in peaty soil; (10) Deputies Éamon Ó Cuív and Michael Fitzmaurice - to discuss re-introducing the Wildlife (Amendment) Bill 2016 to the Dáil; (11) Deputy David Stanton - to discuss the proposed closure of the Owenacurra Mental Health Centre, Midleton, County Cork; and (12) Deputy Kieran O'Donnell - to discuss plans to provide an additional primary school in the Castletroy area of Limerick to cater for high population growth.

The matters raised by Deputies Michael Healy-Rae, Martin Browne and Tully, Ó Cuív and Fitzmaurice, and Bruton and MacNeill have been selected for discussion.

Saincheisteanna Tráthúla - Topical Issue Debate

Dáil Éireann
Agriculture Industry

Deputy Michael Healy-Rae: I thank the Leas-Cheann Comhairle and her office for kindly picking me and allowing me the opportunity to raise this matter. I thank the Minister of State, Senator Hackett, for being present to deal with this important issue.

I am glad to say that I speak on behalf of snail farmers throughout the country and I wish to highlight their concerns. Not many people may realise that a snail is classified in Ireland as an individual animal. We can imagine the complications, the paperwork and the unnecessary bureaucracy that this creates, and I ask the Government to deal with this issue. Ireland has approximately 30 professional snail farmers. I am proud and glad that we have one such farm in Toormore, Cahersiveen, County Kerry. The first problem Irish snail farmers have is that a snail is classified here as an animal but, obviously, it does not qualify for any farm payments. In France snails are classified as shellfish, therefore allowing for an easy processing system, but because a snail is deemed an animal in Ireland, it is necessary to have the same documentation to process each snail as for a cow. We must bear in mind that a tonne of snails contains approximately 115,000 snails. This is an absolutely insane situation. How can two member countries of the EU have totally different rules for this agricultural sector?

The Minister of State is well aware of the current scenario concerning peat. I am sure she is ashamed that this Government has shut down Bord na Móna and our own peat processing, meaning that we are now importing peat from Latvia and briquettes from Germany. Similarly, in snail farming, there is a requirement that all live, farmed Irish snails must be shipped to Greece to be processed and then be shipped back to the Irish snail farms, where they can be jarred and sold as a processed product. This is laughable. The Minister of State, as a member of this Government, must surely be ashamed of this situation. The Government talks about going green, but it is also telling us to ship the snails out for processing and then to ship them back again. It is as bad as the situation with peat and the importation of bales of briquettes.

I congratulate Escargot, which is an umbrella group that flies the flag for the snail farmers of Ireland. We are talking about diversifying farming, and I am pushing all the time for the generation of off-farm income. I refer to people who can diversify into other methods of farming and make an income in that way, such as those who go into producing cheese or sowing a little bit of forestry. It is so important now, when families are struggling, trying to live on their land and to make what they can from their farms. I congratulate the snail farmers of Ireland for being imaginative and for thinking outside the box, but I ask the Minister of State and the Government to please support Escargot. What does the group need? It and its members need assistance from the Government. Snail farming must be recognised as a viable farming enterprise and snail farmers need to be included in possible grants and funding for farm diversification aid. The classification of snails must also be brought on par with the rest of Europe and changed to consider snails as shellfish.

Minister of State at the Department of Agriculture, Food and the Marine (Senator Pipa Hackett): I thank the Deputy for raising this Topical Issue matter, and I convey the apologies of the Minister for Agriculture, Food and the Marine, Deputy McConalogue, who cannot be here to respond.

Snail farming, also known as heliciculture, is a niche market in Ireland, but one that has been growing in recent years, as the Deputy said. Climatic conditions in Ireland are suitable for year-round snail breeding, and Bord Bia conducted research in 2018 which showed the strong

export market potential for snails, particularly in Europe. Snails intended for human consumption are defined in EU food regulations as terrestrial gastropods.

Farmers interested in snail farming may wish to refer to the helpful guidance document on snail farming produced by Teagasc, which is available on its website. Further advisory support for those looking to diversify their enterprises is available through the Options for Farm Families programme, and interested farmers should contact their local Teagasc office, details of which are also available on the website. In addition, Teagasc recommends that potential snail farmers visit a commercial snail farm, of which there are approximately 30 in the country, as the Deputy indicated, to get a feel for what the endeavour entails prior to investing any resources. To register as a snail farmer producing snails for live sale only, or if there is already a herd number for the holding in respect of other farming activities, and the addition of snail farming activities at the holding is required, a completed ER1 application form should be submitted to the regional veterinary office, RVO.

Snail farmers who intend to process snails for human consumption must be registered as a snail farmer with their local Department RVO and they must also be approved to operate as a food business operator with the Department's meat hygiene division. Any person producing food is regarded as a food business operator. In Ireland, all food intended for human consumption must meet the requirements of EU food law. The main purpose of food law is to ensure a safe food supply and protect consumers' interests in regard to food. The Food Safety Authority of Ireland is responsible for enforcing food law in Ireland and carries out this enforcement through service contracts with official agencies, including the Department of Agriculture, Food and the Marine. To date there are no Department-approved food business operators processing snails for human consumption in Ireland. I understand there were a couple of applications in previous years but that both were withdrawn. Therefore, some farmers did try to obtain food business operator status. Any snail farmer interested in seeking approval to become a food business operator for the processing of snails for human consumption should complete a notification-of-intent application form, which is available on the Department's website, and submit it to the meat hygiene division in Portlaoise.

There are currently no schemes under the rural development programme to support snail farming. However, snail farming may benefit from wider supports, such as Enterprise Ireland's innovation voucher scheme, for which the Teagasc food research centres are knowledge providers. This scheme awards vouchers of €5,000 to small companies with a business opportunity or problem. The voucher can be exchanged for advice and expertise. Further details can be found on the website.

The topical issue was quite open-ended so the detail on what I have to speak about is limited. The Deputy has identified that snails are identified under Annex 1 of Regulation (EC) No. 853/2004 as terrestrial gastropods. Classification is at the discretion of the member states. The justification of the classification of snails as fish in France, for example, may relate to the fact that snails, being terrestrial gastropods, are closely related to their marine cousins. Each member state has discretion to identify a snail as either a fish or an animal.

Deputy Michael Healy-Rae: I thank the Minister of State very much. Could I ask her, her Department and the Government to use their discretion in the same way as it has been used in France? I would call it a matter of using common sense. Having looked at a snail and a cow, could the Minister of State please tell me what the comparison is? To me, there is a fair difference.

The Minister of State's four-minute reply totally avoided the two main elephants in the room regarding snails. First, a snail, in the Irish Government's eye, is the equivalent of a cow. Second, when we want to process snails, we have to send them to Greece, bring them back and then send them out again. Whoever put a lot of time into writing the Minister of State's response chose to ignore those two facts. Those are the two biggest obstacles facing snail farmers in Ireland. If anybody were to listen to the reply, they would have to say to themselves, "My goodness, isn't it so hard to do business in Ireland, and isn't it so hard for a farmer who wants to try to do something different with the land he or she owns." Among the words that came jumping out at me – besides "terrestrial gastropods", which the Minister of State used instead of just saying "snails" – were "enforcement", "control" and "regulation". It is not that the people concerned do not want regulation; we should remember that there are none better than farmers and enterprising people to do their business. The 30 people involved are highly responsible people. Would you not love to see 300 or 3,000 people involved? How in the name of goodness could any other group of people – be it a couple or individuals – say they are going to diversify and have a go at snail farming? If they think the Government is going to be silly enough to classify the snail as a cow, where would they be going? The Minister of State should please engage with Escargot. The chairperson is Deirdre O'Connor. I ask the Minister of State and her officials to liaise with those concerned and tell them that the Government is prepared to help and work for them.

Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett): I thank the Deputy. As I indicated in my original response, the topical issue submitted did not give the detail that would have allowed me to respond to the Deputy's questions. Had he given it, perhaps I could have had a more wholesome reply for him. I take his point, however, on snails being classified as animals. Certainly, a gastropod is not the same as a mammal or a vertebrate such as a cow. To compare the two so bluntly is unfair. Cows have individual herd identifiers and identity cards; individual snails do not, as far as I am aware. The comparison is a bit flippant when, in fact, snail farming is viable and diverse practice for anyone to consider getting into. Anyone who is interested would find it worthwhile to visit certain commercial snail farmers.

There is scope for existing snail farmers to register as food business operators. Maybe there is something the Department could do to encourage the farmers to look into this. If we are exporting snails to Greece only to bring them back again, it seems ludicrous. Maybe there is work we could do in that regard.

On the definition of snails, I do not know offhand why we choose to identify them as animals as opposed to fish. Maybe we can look into that also. I cannot make any promises here in the Chamber, but it is all for discussion. I accept the bones of the Deputy's arguments on this.

Disability Services

Deputy Martin Browne: In 2011 and 2012, the then Ombudsman, Ms Emily O'Reilly, found the eligibility criteria for the motorised transport grant and mobility allowance were in breach of the Equal Status Acts. What did the then Government do? Did it improve access to the schemes, as any compassionate Government would have done? Did it do all it could to ensure people with a disability would not be grounded in their homes? No, it callously discontinued both schemes for new applicants in 2013.

Yesterday morning, the outgoing Ombudsman, Mr. Peter Tyndall, published his final report, *Grounded: Unequal access for people with disabilities to personal transport schemes*. In it he claims that, despite appeals to success of Governments over the course of nine years to reintroduce the schemes, nothing was done. The report states:

I am very concerned that the issues identified appear to have effectively been ignored and that nine years later, there is no evidence of any real progress that would serve to enhance the lives of those for whom these schemes were intended to assist with their daily lives. This is of huge concern to me.

The problems Mr. Tyndall identifies are the problems I am sure every constituency office has received from people in need of supports through the schemes. He outlines the absolute injustice that is being experienced by people with disabilities owing to the inadequate transport supports that have been provided by previous Governments and that are being continued by the current one. It is a year and a half since the current Government was cobbled together, yet we are no further along. How many more damning indictments will be published before the Government does right by people with disabilities?

Deputy Pauline Tully: People with disabilities should be able to lead full and active lives within their communities but there remain many obstacles that work to prevent them from doing so. Access to personal transport is one of these. While improving access to public transport is an important issue in its own right, it is unreasonable to suggest it can address the transport needs of the many disabled people who may live in rural areas and who may struggle to get to bus stops or stations. Without access to personal transport, many disabled people cannot do what others take for granted – including working, visiting friends and family, and shopping – and engage in the many other areas of their lives where mobility is essential.

In the report published yesterday, entitled *Grounded: Unequal access for people with disabilities to personal transport schemes*, the Ombudsman focuses attention on the fact that personal transport supports for people with disabilities are inadequate, unfair and inequitable. The report points out that, in 2013, the Government decided to discontinue the mobility allowance and the motorised transport grant for new applicants. At that time, it said it would draw up an alternative scheme; however, almost nine years later, this has still not happened. The report also outlines that the remaining support available for those living with a disability is the disabled drivers and disabled passengers scheme, which provides a range of tax reliefs linked to the purchase and use of specially constructed or adapted vehicles by drivers and passengers with a disability. However, it goes on to highlight that this scheme is inadequate to meet the needs of many people living with a disability as the limited medical criteria for eligibility have been excessively restrictive. A recommendation that the Department of Finance introduce legislation to replace the existing medical criteria with an overall assessment of general mobility was never acted on. It is shameful that, in 2021, disabled people are still not able to participate equally and actively in their communities and at work. What plans does the Government have for personal transport supports for people with disabilities? Will they have to wait another nine years for progress?

Minister of State at the Department of Health (Deputy Frankie Feighan): I thank Deputies Martin Browne and Tully for raising this important issue for discussion today. The Ombudsman issued commentary on three transport support schemes for people living with disability. Those are now closed. I refer to the motor transport grant and mobility allowance schemes and the disabled drivers and disabled passengers tax concession scheme operated by

the Revenue Commissioners. I can assure the House that the Government shares the concerns expressed by the Ombudsman regarding the transport challenges facing people with disabilities. As the Deputies have outlined, the Government decided to close the motorised transport grant and mobility allowance administrative grant schemes in 2013. That was on foot of the reports of the Ombudsman in 2011 and 2012 regarding the legal status of both schemes in the context of the Equal Status Acts. The Government also decided to continue payment of the monthly mobility allowance on an interim basis to the 4,700 people who were in receipt of the mobility allowance at the time that the scheme closed.

Under the current remit of the Minister of State with responsibility for disability, Deputy Rabbitte, work is ongoing on the policy proposals for the provision of transport supports for people with disabilities. The Minister for Health will then revert to the Government with proposals in due course.

I would like to make this House aware of other transport supports available to people with disabilities, which include the free travel scheme operated by the Department of Social Protection, the Revenue Commissioners' disabled drivers and disabled passengers tax concession scheme and measures funded under the Department of Rural and Community Development CLÁR programme to provide grants to voluntary organisations providing transport for people with significant mobility issues. I would also like to inform the House that there have been a number of recent developments which may impact on policy options for the provision of transport supports for people with disabilities. These include the ongoing progress by the Department of Transport in providing accessible public transport nationally and that Department's review of active travel and public transport policy, including accessible public transport. The Department of Social Protection has commissioned a cost of disability study that will inform policy direction for the provision of adequate supports to meet the needs of people with disabilities, including transport costs.

Under the national disability inclusion strategy, a working group was established to lead a review of all Government-funded transport and mobility schemes for people with disabilities. The Department of Finance is reviewing the disabled drivers and disabled passengers tax concession scheme. I can assure the House of the Government's continued commitment to finding a long-term equitable solution that meets the transport needs of those people with disabilities who face the most significant challenges.

Deputy Martin Browne: The Minister of State can speak of as many strategies, reports, reviews and working groups as he likes but the fact remains that for nearly a decade, successive Governments have withheld these schemes from a considerable number of people. If, as he says he does, the Minister of State shares our concerns, I urge him to speed up the process. We do not need another review. It is now nine years since Emily O'Reilly gave her report. That is nine years of a review, as far as I am concerned. People with disabilities will tell the Minister of State that nine years is more than enough for any review or any process to be put through.

If my words will not do, perhaps the words of the Ombudsman might. He stated:

Living with a disability in Ireland in 2021 should never mean that a person is grounded in their home, unable to participate equally and actively in their community and in work. Another working group or action plan is not enough. Those people who are adversely affected by the current lack of access to transport supports require immediate and decisive action.

I urge the Minister of State not to let Mr. Tyndall's appeals to the Government be in vain. Action needs to be taken now.

Deputy Pauline Tully: We have obligations under the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, to ensure that disabled people are treated equally in society. We ratified the UNCRPD in 2018 but from what I can see, no progress has been made on this issue since then in the area of transport. It is a vicious circle. The Minister of State mentioned the free travel scheme and access to public transport, which is all well and good and welcome, but if a disabled person does not live near a bus stop, how will he or she get to the bus? How can such people access the transport? People need personal transport supports and if disabled people do not have access to them, they cannot work. If they cannot work, they cannot afford to buy an adaptable car that is specially constructed to support their needs. It is a vicious circle.

I welcome the fact that there is a review of the disabled drivers and disabled passengers scheme but that needs to happen immediately. It needs to bring in real concessions. I do not know why publication of the Indecon report is taking so long. It is completed and should be produced.

Deputy Frankie Feighan: It is clear that access to transport supports for people with disabilities can assist them to live independent lives of their choosing. Deputy Tully is right that they need to be able to travel to their place of work and to live independent lives of their choosing. I assure the House that continued efforts have been undertaken by the Department of Health to develop an equitable scheme which meets the need of people with disabilities who face the most significant challenges.

The range of policy developments I outlined earlier is an indication of the level of importance attributed to this matter across several Departments. I heard Deputy Browne's point that we need to speed up the process and I will take that on board.

As mentioned, the Minister of State, Deputy Rabbitte, is working on policy proposals for the provision of transport supports for people with disabilities and the Minister, Deputy Stephen Donnelly, will then revert to the Government with proposals in due course. The Government is committed, as are the Deputies, to finding a long-term and equitable solution to this matter.

Legislative Programme

Deputy Éamon Ó Cuív: I thank the Minister of State, Deputy Noonan, for coming in to take a matter that pertains to his personal responsibilities. On 1 December 2016, the then Minister said in the Dáil select committee:

The Wildlife (Amendment) Bill 2016 is important legislation. The bringing forward of this Bill is a commitment in the programme for a partnership Government.

After that, the Bill went through the Dáil and the Seanad, where it was amended. When the Government collapsed in 2020, the Bill fell, as all Bills do at the end of a Dáil session. What had to be done at that stage was to bring the Bill back into the Dáil to either accept or reject the Seanad amendments and finalise the Bill. Just as is the case with the mobility scheme, we in this country seem to have come into a world where we talk about doing things but nothing

ever happens. It is almost two years since the election, although the Minister of State will argue that it took time to form the Government, which is another day's work. The House is owed a detailed explanation as to why, almost a year and a half in Dáil time since the Government was formed, we still have not gone through the simple process of bringing the legislation back into the Dail for finalisation and bringing it into law. When will this Bill be before Dáil Éireann for completion? If there really is a procedural issue with the Ceann Comhairle, I would have thought he could have sorted it out in a year and a half. In fact, I would have thought he could sort it out in a week, never mind a year and a half.

Deputy Michael Fitzmaurice: I thank Deputy Ó Cuív for raising this matter with me. I also thank the Minister of State for coming to the House. This has been going on since 2016. The Minister of State, Senator Hackett, was in the Chamber earlier. Forestry is being help up around the country at the moment because this legislation has not passed. A civil servant has probably written a long speech for the Minister of State. I know he is genuine about things. The facts are that there will be talk of some other Bill or something else being attached to this legislation. This is a short Bill that Deputy Ó Cuív, former Deputy and now Senator Kyne, and I discussed here. The Bill went into the Seanad, where it was amended. In talking to representatives of the National Parks and Wildlife Service at the time, my understanding was that they could live with the few amendments that were made. For the life of me, I cannot understand the situation. It is fine if the Minister of State or his Department want to bring in other legislation. We would handle that down the road without a problem. This has been going on for five years during which people have been left in a quagmire regarding planning and especially forestry. As soon as a local authority or anybody sees natural heritage area, NHA, written over something - even though it is to be taken out of that - straight away it is out the gate. I know private forestry people who want to plant but when they see it, they run a mile from it. It is of utmost importance. I do not understand why we cannot - even if it is late some night here - reintroduce what Deputy Ó Cuív has suggested and solve this. The other legislation can be done later when the Government has time. I know there is a schedule but we need this brought through urgently.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Malcolm Noonan): Ba mhaith liom buíochas a ghabháil leis na Teachtaí as ucht an cheist seo. I thank the Deputies for raising this and I hope it will help expedite matters. However, there are some complexities which I will try to outline.

The principal purpose of the Wildlife (Amendment) Bill, as initiated, was to provide for review of raised bog habitats, the making, amendment and revocation of natural heritage area orders and for those purposes to amend the Wildlife (Amendment) Act 2000. The Bill was originally presented to Dáil Éireann. There was a very constructive debate on the Bill in both Houses, including the adoption of the Deputy's proposals to extend its scope to provide for a review of blanket bog natural heritage areas. Later in the Seanad it was agreed to place a duty on public bodies to promote the conservation of biodiversity, which was an important and innovative section of the Bill.

As the Deputies will be aware, the Bill had completed all stages in the Dáil and the Seanad, and had been returned to the Dáil for consideration of the various amendments made by the Seanad. The Bill was at what is colloquially known as the "cream list" stage when the Bill lapsed with the dissolution of the Thirty-second Dáil on 14 January 2020.

Dáil Standing Order 227 provides that where a Bill passed by the Dáil is subsequently amended and passed by the Seanad, those amendments are then returned to the Dáil for its con-

sideration. Standing Order 228 provides that the Dáil may accept, amend or reject the Seanad amendments. Amendments in the Dáil to the Seanad's amendments may only be moved where they are "consequential upon the acceptance, amendment or rejection of a Seanad amendment." There is no mechanism under Standing Orders to move amendments to a Bill returned to the Dáil under Standing Order 227, other than as set out in Standing Order 228.

It is the Government's intention to proceed to seek the approval of the Oireachtas for the important changes proposed in this Bill. However, Deputies will appreciate that the sequence of events I have described is an unusual one. My officials have been working with colleagues in the Houses of the Oireachtas to establish how it would be possible and what might be the appropriate procedure for restoring the Bill to the Dáil Order Paper, and to clarify the implications of any decision in this regard. Ultimately, this process would of course be subject to the ruling of the Ceann Comhairle on examination of the finalised text of the proposed restoration motion and any associated amendments.

Deputies will appreciate that restoration of this Bill to the Order Paper is not straightforward. However, once the complexities have been resolved it is my intention to bring a memorandum to Government outlining the next steps for the Bill. I hope that will be possible in the early part of 2022.

I have met a number of Deputies and Senator Higgins to discuss issues of concern. This is a high priority for me and for my Department. There are other elements relating to the statutory footing of the national biodiversity action plan that also are very important to me. We want to deal with this as speedily as we can. I appreciate the Deputies' raising this today because it certainly focuses minds on getting this back onto the Order Paper.

Deputy Éamon Ó Cuív: I would be very interested to hear if there was a meeting with Deputy Fitzmaurice. There was certainly no meeting with me and both of us had a big interest in this Bill. I am still totally baffled. The Government was formed at the end of June 2020. It is now nearly December 2021. It has had a year and five months to resolve the issue. In my little simple mind, there seem to be two quick ways around this. The first is to change the Standing Orders of the Dáil to deal with this eventuality because I presume what happened was nobody thought of this eventuality; it was highly unlikely. However, the unlikely does happen. The other way is to reintroduce, as a new Bill in the Dáil, the Bill that was passed by the Seanad as the wildlife amendment Bill 2021 and put it quickly through the Dáil and Seanad. It has all been agreed and we would be home and dry. The procedural issues the Minister of State outlined should not have held us up. It has held us up for a year and heading for a year and a half because he has told us that it will not happen until 2022.

Deputy Michael Fitzmaurice: In fairness to the Minister of State, I do not think he said there were any meetings. I just spoke to him in a corridor, but there was no meeting about this with his staff. Would it be helpful, if it was workable for everyone here in the Dáil, that we would reintroduce the Bill? Would the Minister of State accept it? I know he wants to introduce Government Bills and I understand all that, but this is a bigger picture.

The Minister of State spoke about raised bog habitats, but he must remember that a lot of ordinary land that farmers are farming is involved. They are just held up at the moment. People will say that they should not be, but they are held up with planning, forestry or any other work they want to do with their land because it is a red flag the minute it goes on. There must be a way of resolving this rapidly. I ask the Minister of State to meet Deputy Ó Cuív and me. If

there is a quick way around it and we can help him, we are willing to help him. This is not a barrage of politics with one against the other. This is about trying to solve a problem that is not of the Minister of State's making.

Deputy Malcolm Noonan: I would be more than happy to meet the Deputies to try to expedite this. As I said in my opening statement, it is our priority to try and get this through. We need to try to work through the complexities to resolve it. I believe we discussed it informally shortly after the Government was formed. I had a number of meetings with Senator Higgins to try and move it along. I assure the Deputies that it is of our highest priority to try to get this resolved once and for all. I would be more than happy to meet the Deputies to discuss it further and see how we can move it along.

Special Educational Needs

Deputy Richard Bruton: I am grateful to the Leas-Cheann Comhairle for allowing this matter to be taken. I congratulate the Minister of State on the progress that has been made on special education, which is truly transformative. We now have four times as many special classes and twice as many special needs assistants, SNAs. We have moved from individual models of assessment and expensive gateways to support to one that is much more of a whole-school approach.

The final game changer for me is the proposal developed by the National Council for Special Education, NCSE, of what is called the school inclusion model. That brings a range of therapeutic supports to an extended number of schools and preschools. It has been piloted very successfully. A pilot was adopted because at the time, there were constrained resources and it needed to be road-tested to ensure it was the best approach. I would strongly argue that this is far better than the previous health-based approach involving referral to the health system. It is accessible. There are no appointments and no risk of no-shows. It is a team approach, integrating the resource teacher or the special needs teacher and the SNA. It encourages learning and growth within the school as to how to adopt proper therapeutic approaches to supporting children who need it. For pupils, it is delivered in a familiar setting and addresses real constraints that teaching and SNA support alone cannot achieve.

We need to move swiftly and I would like to know about the evaluation. What are the criteria and outcomes of assessment? How long will it take? Will the NCSE be at the heart of that evaluation? What approach will be taken to extending to new areas? This is urgently needed and will help address what all of us know is a crisis in early intervention access because people will have access to therapeutic services within the familiar school-based system.

Deputy Jennifer Carroll MacNeill: I am very pleased to be able to discuss this matter along with my colleague, Deputy Bruton, and I thank the Minister of State for coming to the House. The difference between the provision of supports for children with special educational needs in their schools and their having to go somewhere else after the school day finishes is transformative for the children, for their convenience, for how natural it is for them to stay in their own school environment and for the comfort with which they can access additional services. Anything we can do to make children more comfortable and less different, whether in terms of special educational needs, support services or play therapy for any child in school, and to the extent that we can support them within the familiar environment of their own school, we should do to make things better.

There is so much really good work being done in this area, and I thank the Minister of State for all her work and engagement. In my area, Dún Laoghaire, we have had 11 additional special educational needs classes, bringing the number up to 43. That is a huge increase since the general election. I thank not only the Minister of State for her work on that but also all the schools in my area, which have engaged with the Department and come up with creative solutions. We have more in train. This has made a significant difference for parents, particularly parents of three- and four-year-olds, who have been struggling to know where they will send their children and how they will be able to get them class places. It has taken an awful lot of pressure off them and made a massive difference, as has the additional number of special needs assistants. We have now had an additional 2,165 in this two-year period, and I thank the Minister of State for her work in securing the budget to deliver that.

As my colleague, Deputy Bruton, said, this pilot model is a real opportunity to deliver services in a much more natural and convenient and, I believe, effective way. We would love to hear an update on the pilot, how the Minister of State thinks it is going, the prospects for its roll-out into other areas and, indeed, nationally for further testing, and any possible timeline for that.

Minister of State at the Department of Education (Deputy Josepha Madigan): I commend the Deputies on bringing forward this Topical Issue matter. It is a very pertinent issue to me, as Minister of State with responsibility for special education. I appreciate all the work done by Deputy Bruton, a previous Minister for Education, who in fact kick-started the process of the school inclusion model, and thank him for that. I wish to reassure both Deputies that I feel this will be the gold-star policy change for special education in Ireland. I hope that, in time, other jurisdictions will look to this country and admire the model we have. I commend both Deputies on the work they have done in this regard. As they have correctly pointed out, this will be the transformative model for children with additional needs.

The pilot of the model, as the Deputies will know, started in community healthcare organisation, CHO 7, in Kildare, west Wicklow and south-west Dublin. As we all know, the pandemic, unfortunately, got in the way and schools had to close in early 2020 and early 2021. In March 2020, the HSE, unfortunately, had to take some of our therapists to use them for testing and tracing, which of course posed difficulties for the education sector in trying to retain its own therapists. In that regard, my colleague, the Minister, Deputy Foley, brought to the Government a memo on the recruitment of our own therapists by the NCSE. One of the challenges we face is to ensure that we have a sufficient number of therapists for the school inclusion model and that the HSE can use its own therapists. Both models are complementary; neither is in lieu of the other.

It is really important when we talk about the school inclusion model that we note its key elements. One is the continuing professional development and training for our teachers and SNAs. In that regard, we have set out a new SNA training programme in UCD. It was oversubscribed. I think about 3,500 SNAs wanted to avail of it. There are more starting again this year and there will be more early next year. That will be of critical importance to those SNAs. As Deputy Bruton knows from his time as Minister for Education, the Department of Public Expenditure and Reform has told us it will not be possible to continuously add on more SNAs year on year. At the moment we have 19,000 SNAs. That is an increase of 70% since 2011.

The ideal model is this multidisciplinary, wrap-around approach within the school environment. That will involve the other key element, namely speech and language therapists, SLTs, and occupational therapists, OTs, to have those in-school supports, which Deputy Bruton's

colleague, Deputy Carroll MacNeill, has pointed out will make it more comfortable and convenient for the child within the school environment. That approach should be commended.

There are also the psychological and behavioural supports. When I have visited schools that have already rolled out this model - St. Martin de Porres National School, in Tallaght, is one that springs to mind - and other schools, they have said to me that the behavioural practitioners are imperative and badly needed within the schools. That is another key element of this.

There is also the front-loading of SNAs. We have already started that process with the special education teachers and we want to do it with the SNAs as well. The National Educational Psychological Service, NEPS, expansion in respect of the well-being of children with additional needs will also be crucial, and we intend to expand that as well.

Deputy Richard Bruton: I thank the Minister of State and congratulate her on her very accurate appreciation of the benefits of this model. I remember when Eamon Stack, then chair of the NCSE, developed this. He was like a child, so enthusiastic was he about the impact it would have on special education. There is an opportunity to drive this and make it, as the Minister of State said, unique. There is no other best-practice model. This is the best-practice model that can be developed. It does not need assessment by anyone other than the NCSE to see that it is achieving its goals. The key is to make sure we move as rapidly as possible to deliver this and see no obstacles put in its way.

Deputy Jennifer Carroll MacNeill: I absolutely concur with my colleague, Deputy Bruton. I keep thinking about this child-centred focus from the perspective of the child and the child's needs. Speech therapists, occupational therapists and psychological supports should be brought into the child's school rather than the child having to be othered or made different by travelling to another place. I keep thinking this is a little like children in hospital with ongoing additional health needs who have to turn up again and again to multiple different types of appointments, whether neurology, endocrinology or anything else. I refer to complex cases in which the child is constantly taken out of his or her routine. Children should wake up, have their breakfast, get to school, come home and have as normal a day as possible. For any child with additional needs, whether educational needs or health needs, as a State, we need to think about this from the child's perspective and deliver the services in the most natural and convenient way for them that will achieve the best outcomes and be minimally disruptive to them.

This is a fantastic model and, as Deputy Bruton said, the evaluation is clear. What is really exciting about it is being able to deliver it more broadly as quickly as possible.

Deputy Josepha Madigan: The important point to note, which I may not have mentioned yet, is the fact that the pilot has recommenced in CHO 7 this term. We have plans for expansion of that. The independent evaluation is critical, and I am very satisfied so far with a report we have received on the confidence children with additional needs have gained from availing of the school inclusion model and the fact that they have reached most of their targets in a way in which they had not before. It is important, as both Deputies said, that children get the right supports available at the right time in order that they can achieve better educational and life outcomes. That is what we all want. Special education should never be a partisan issue. It is something we all care about. We in the Government have demonstrated that by providing more than €2 billion, which is over 25% of the entire education budget, dedicated solely to special educational needs.

As for the school inclusion model and the next steps involved, a memo to the Government will be brought in the coming weeks, we hope. That will ensure we continue to roll this out into other CHO areas across the country. I hear both Deputies' enthusiasm for the school inclusion model. I am very grateful they have brought the matter before the Dáil because it shines a spotlight on it and the really good work we are doing. The model provides a framework for teaching, care, training and therapeutic supports that will facilitate the greater inclusion of children with complex needs in education. The Department has received funding of €6 million from the Government in 2021 for recruitment of therapists, including OTs and SLTs.

10 o'clock

Education (Health, Relationships and Sex Education) Bill 2021: Second Stage [Private Members]

Deputy Gary Gannon: I move: "That the Bill be now read a Second Time."

The Social Democrats is bringing this Bill forward to ensure that every single student and school that receives State funding will receive the same fact-based health, relationship and sex education regardless of their school's ethos. The Bill amends the Education Act so that health, relationships and sex education should not in the first instance be linked to ethos or characteristic spirit but be taught as part of the set curriculum, standardising the type of sex education the students receive. It also provides for the inspectorate to inspect how health, relationships and sex education is being taught in schools and includes a provision for the National Council for Curriculum and Assessment, NCCA, to review the curriculum every five years.

The wording contained in this Bill of an evidence-informed approach is based on UNESCO's international technical guidance on sexuality education which includes a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of relationships and sex education, RSE. It aims to ensure that this education provides students with knowledge, skills and attitudes to enable our young people to understand health, well-being and dignity; to develop respectful social and sexual relationships; to consider how choices affect students' well-being and the well-being of others; and to understand and ensure the protection of their rights. This Bill crucially takes a rights-based approach. Young people have a right to access unbiased, fact-based and scientifically accurate sex education. This right is protected in international human rights standards, including the UN Convention on the Rights of the Child, the UN Convention on the Elimination of All Forms of Discrimination against Women, and the Istanbul Convention which we ratified only in 2019. In 2017, the commissioner for human rights issued a White Paper on women's sexual and reproductive health and rights. It included recommendations for the provision of comprehensive sex education which should be mandatory, standardised and scientifically accurate. It also stated that domestic legislation should not permit children to be withdrawn from age-appropriate sex education that meets the standards of objectivity and impartiality as set by human rights law.

It is a positive right that our young people have access to sex education but instead, in Ireland, we have the exact opposite happening. One of the questions I am often asked about the Bill is whether there will be an opt-out. The reality is that we already have students and parents opting out of sex education every day. They are opting out of RSE classes precisely because those classes are biased and not providing objective information, precisely because of religious teaching that places one form of relationship in a hierarchy over others. Programmes such as

Flourish, created by the Irish Catholic Bishops' Conference, state that the church's teaching on marriage between a man and a woman cannot be omitted, and that puberty is a gift from God. These are not facts. This is preaching. The Bill started for me in a legislative sense with the publication of the Flourish programme in May. I fully accept that many schools that are under a religious patron teach a fact-based curriculum but it is an injustice to leave this up to chance.

While that is where the Bill started for me, I know work has been ongoing for many years, including in this Chamber. I acknowledge the work of Ruth Coppinger and Deputy Paul Murphy and their Provision of Objective Sex Education Bill 2018. During the debate, Deputy Paul Murphy cited an Irish Catholic Bishops' Conference document and it is worthwhile once again to read it into the record. It reads:

Any attempt to communicate "the facts of life" as mere facts without reference to the religious and moral dimensions of human sexuality and without reference to the pupil's need to grow in maturity would be a distortion. [...] To allow children to become aware of the mere facts without being helped to see them in their rich human meaning would be to deprive them of the truth.

The Flourish programme and others like it are a continuation of religion being used to obscure and distort the facts when it comes to sex education.

What is not contained in this Bill is as important as what is in it, namely, the word "ethos". This notoriously ambiguous term does not feature in our Bill. In a response to a parliamentary question earlier this year, the Minister, Deputy Foley, stated that it is important to note that the ethos of a school should never preclude learners from acquiring the knowledge about the issues but that ethos may influence how that content is treated. This illustrates the difficulty in unpacking the role of ethos and the ambiguity it creates in our classroom. I worked with the Office of Parliamentary Legal Advisers, OPLA, when devising this Bill. I was advised of, and we were conscious of, the constitutional right that schools have to exercise their own autonomy over ethos. This Bill unfortunately cannot remove that and does not interfere with it at this point. Rather, it balances the right of a school to protect its ethos and the right of a child, more importantly, to receive relationship and sex education that is informed by science, not religion. When we talk about the separation of church and State, we tend to talk about it as an absolute overnight separation, clean-cut, surgical and precise. I wish. The truth of the matter is that when we consider the century-long involvement of church and State, it will not be a clean separation but a long and arduous process of untangling, bind by bind, the many ways in which they are connected and embroiled. It will be messy work. It will be a long journey, one which the Social Democrats and, I am sure, other parties around the Chamber are willing to take on.

I bring this Bill forward not as the conclusion of removing of religious influence from our publicly-funded schools but as a significant stepping stone towards it. The Bill is as far as I can go at this time to ensure that religion does not interfere in the first instance in the teaching of health, relationships and sex education. It is not the end of the conversation for me and I will be working alongside others to ensure the issue of ethos be included in any discussion in the upcoming citizens' assembly on education. It was from a previous citizens' assembly and the constitutional convention that the issues of same-sex marriage and the repeal of the eighth amendment were able to proceed. I believe there is an appetite not only for the Bill we are proposing today but also to go beyond it.

Despite the multiple promises and commitments from Government and almost a decade on

since the Forum on Patronage and Pluralism in the Primary Sector, almost 90% of our primary schools are still under Catholic patronage, affecting not only parental choice when it comes to schools but also teacher choice when it comes to their teaching. We have teachers who feel at odds with the patron of their school because of their sexual orientation. They cannot share their weekend or talk about the manner in which they love because they feel they will be discriminated against. Out of 2,362 responses received to the Irish National Teachers' Organisation, INTO's, equality survey report of 2020, only 18% of respondents in the Republic of Ireland and 12% of respondents in Northern Ireland were able to be out in their school communities in terms of the manner in which they love. We need to be compassionate about the fear and hesitation those teachers feel and realise the damage caused to students and teachers alike whose LGBTQI+ relationships are not given equal inclusion, respect and representation within the education sector. As recently as a few months ago, the Vatican reaffirmed its view that the Catholic Church cannot bless same-sex unions because God cannot bless sin. Many of us have had experience of LGBTQI+ relationships just not being spoken about within schools but exclusion and omission is not a passive act. It is an erasure of LGBTQI+ relationships and people and is just as damaging as overt homophobic rhetoric.

A couple of weeks ago we learnt of an outdated, offensive and homophobic booklet that was still in circulation for the teaching of RSE to junior cycle students. The Department of Education rightly removed it from official website but the question as to why it was still accessible in the first place needs to be seriously considered. I believe it is because health, relationship and sex education is treated as an inconvenience or afterthought. Continuing with the type of sex education we have become accustomed to is to the benefit of no one and to the detriment of all, especially our LGBTQI+ students and teachers. We share a collective experience of poor sex education which has been repeatedly documented in Irish research and it is needlessly continuing today. Our history with sex education and health has always been a battle, from the contraceptive train in 1971, to the removal of Irish laws which criminalised homosexuality in the late 1980s, to the referendums on same-sex marriage and the repeal of the eighth amendment. Failure of the Government to act on this Bill signals that the fight is still ongoing and that religion still holds a deep grip on our sexual health in Ireland. The NCCA report from 2019 stated:

By and large, young people view the RSE they are receiving as inadequate or at best partially meeting their needs. Overall, students expressed frustration about disparities in the content and quality of provision and the absence of a consistent and comprehensive approach to teaching RSE in schools.

We have a NCCA review, which has been ongoing for the last four years, looking at RSE and SPHE.

It has already spanned three Ministers with responsibility for education and its much-needed work will be moot if ethos is still permitted to rule when it comes to relationships and sexuality education and social, personal and health education. The Bill could enhance the work of the National Council for Curriculum and Assessment and not dilute it. There is a commitment in the programme for Government to develop inclusive and age-appropriate relationships and sexuality education for the curriculum at primary and post-primary level, including a programme on LGBTI+ relationships, and to make appropriate legislative changes if needs be.

There is an urgent need for adequate sex education for young people. I understand the Minister and the Government intend to ask us to delay the Bill for a further nine months. I do not believe this is acceptable. The teachers asked to teach these awful programmes and the students

who are not being given adequate scientific fact-based evidence should not have to wait a day longer. I ask that we progress the Bill to Committee Stage. It is reasonable and perfectly in keeping with the willingness the Minister has already expressed to bring forward legislation on this issue.

Deputy Holly Cairns: The Bill seeks to put in place standardised and evidence-based relationship and sexual education. It is designed to give all students access to the same information to help them understand health and develop respectful social and sexual relationships. This is not controversial. The vast majority of the public agree with the need for all young people to be provided with age-appropriate, scientifically accurate relationship and sex education. Again, we have a situation whereby the Oireachtas is catching up with social norms. The general population is already ahead of us on this.

In this context, I cannot believe the Government will push the Bill back by nine months, apparently, to allow the Department time to consider it. It is a very easily understood Bill. Yes, time will be needed to implement it, so it will be long overdue even without this Government interference. Why is the Minister delaying the Bill? What is objectionable about young people accessing standardised and evidence-based sex education? What does she need time to consider?

It is unbelievable to think we do not treat relationship and sex education the same as other subjects. At present, there is much greater oversight and standardisation of other subjects, such as applied maths and Irish, than there is of sex education. The very least we can expect is for the Department of Education to treat this incredibly important subject with the same consistency and professionalism given to other subjects.

Irish universities and colleges have to deal with the impacts of this lack of education. In response to shockingly high rates of sexual assault, they are running consent and information classes to address the glaring gaps in knowledge and understanding around what a healthy relationship is. We need the State to wake up and realise that it is 2021. Young people deserve access to education that is unbiased and in accordance with best practice in health and science. Not only is it their right, it will be better for them and better for society.

While the Bill's focus is on the Department of Education taking responsibility for teaching and learning on relationship and sex education, it also deals with the religious influence which limits the information to which young people have access. Of course, education about religion and spirituality can enrich understanding of different cultures but it cannot be allowed to prevent fact-based education. Schools that receive public funding must follow the standards set by the State, not a particular theology. While the Bill has a specific purpose, it also relates to a larger need for a conversation around the separation of church and State. Until we properly address this, there will be issue after issue and controversy after controversy. Today's topic is education but the significant matter of the national maternity hospital remains unresolved. It is the largest investment in maternal health care for this State and ownership will remain with a company set up by the Sisters of Charity, allowing for a religious ethos rather than medical need to determine what services are provided in our national maternity hospital.

The State should be strictly neutral in matters of religion, favouring none and discriminating against none. In publicly funded schools, hospitals, and other institutions one particular faith system cannot be given preference over others. This is not an atheist versus religion debate, it is about a modern democratic system that says religious practices are matters for individuals

and families, not State bodies. Only a truly secular state can guarantee freedom of religion for those who wish to practice it and guarantee freedom from religion for those who do not. Public services need to be just that - accessible to all. This accessibility is not only about using these services but also gaining employment in them. Under the Employment Equality Act 1998, hospitals and schools are permitted to discriminate on the grounds of religion in employment. In healthcare, personal choices are impacted by the hospital people are in. The interests and desires of patients, especially in matters of reproductive health and end-of-life care, can be in conflict with or not respected by, the religious ethos of a hospital. This simply cannot be allowed.

There is a clear need for a citizen's assembly in this area. It is complex and will have implications for the administration of education, healthcare and social services. The vast majority of people, whether of a religious persuasion or none, recognise this. People are sick and tired of Governments that have to be dragged along by change. We need a Government that will finally lead the way in the kind of progressive change we all need to see.

Deputy Róisín Shortall: It is important to consider this debate in an historical context. Irish Governments have traditionally had a minimalist concept of their role in respect of civic morality. The weakness of this ideology is evident in most of our public services. From the foundation of the State, public services were outsourced, predominantly to the Catholic Church. It was allowed to control the delivery of education, health and social services. This, of course, gave it a monopoly on social teachings and sexual morality. Not only was this the practice but our Constitution enshrined that special and dominant role in Irish society. The Ireland of 2021, of course, is almost unrecognisable from that of the 1930s and that of just a few decades ago but we are still dealing with the legacy of church control over our services.

The 2016 census reported 78% of the population as Catholic. This was the lowest on record. That, of course, significantly misrepresents the reality due to the question posed, which is very much a leading question. In addition, it is clear there is a significant reduction in the number of people who are actually practising in spite of declaring themselves Catholic. How many of these actually want religion informing the school curriculum? The Central Statistics Office has recorded significant increases in other religions over the past three decades. There has been a cultural shift in Ireland and this was evident in the referendums on marriage equality and repeal. A clearer measure is that in 2020 the CSO found that more people chose civil marriage ceremonies over Catholic ceremonies for the first time. Why are these major changes not reflected in our curriculum?

The State's response to the increasing diversification and secularisation of Irish society has been desperately slow and disrespectful. In 2012, the forum on patronage and pluralism in the primary sector reported that 90.6% of schools had a Catholic ethos. Despite promises to reform educational patronage, this figure dropped by less than 2% in the past eight years. The programme for Government commitment to 400 multi-denominational schools by 2030 is unlikely to be realised. Where is the strategy and the funding to support this commitment? People are being forced to send children to Catholic schools because of the lack of choice. We know there is huge demand for multi-denominational schools and the Government has failed to get close to meeting this demand. Six counties in Ireland have no equality-based primary school options. These are Tipperary, Cavan, Monaghan, Leitrim, Longford and Roscommon.

While parents wait for the snail-paced divestment programme, the very least the State could do is ensure that relationships and sexuality education is based on facts and science. This must be irrespective of postcode or school ethos. It is exactly what is provided for in the Bill. The

current system of *ad hoc* relationships and sexuality education teaching is not only socially unjust but reckless. Young people should not have to depend on the Internet to fill the gap or wait potentially for a student union or college society to teach them about sex and consent. We are failing young people by leaving them to use Google, social media and, often, pornography to try to find out about the facts of life. So often this leads to a warping of young people's body image, giving them unrealistic expectations of sex. How can we hope to reduce the number of crisis pregnancies, STIs, HIV and body dysmorphia if we do not address these issues in schools? It should not be too much to ask for an inclusive and modern sexual health education programme in every school. Is it any wonder that in 2019, 73% of LGBTI+ students reported feeling unsafe in secondary schools?

I commend Deputy Gannon on bringing forward the Bill. It calls for a science and health-care-based RSE programme in all State-funded schools and I urge all Deputies to support it.

Minister for Education (Deputy Norma Foley): I move amendment No. 1:

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

“Dáil Éireann resolves that the Education (Health, Relationships and Sex Education) Bill 2021 be deemed to be read a second time this day nine months.”

I welcome the opportunity to appear before the House to participate in this important debate. I thank Deputy Gannon for raising this crucial issue, which I agree must be addressed. The Government is not opposing this Private Member's Bill, although I have proposed an amendment to allow time for work under way by the National Council for Curriculum and Assessment, NCCA, to be advanced. The amendment will have the effect of the Bill being read a Second Time nine months from today. This will allow the NCCA further time for its development work.

I will set out some background on the work undertaken by the NCCA and the Government's response to the Bill. Access to relationships and sexuality education is an essential right for students and young people. Every student has a right to access information about sexual health, relationships and sexuality and this must be supported through our education system. Social, personal and health education SPHE, which includes RSE, is mandatory in all primary schools and the junior cycle. RSE is required at all levels, from primary school to senior cycle. The Department of Education has set out the content of each of the programmes in the SPHE and RSE syllabuses and guidelines.

Department of Education Circular 27/2010 requires that schools have a policy for RSE developed in consultation with teachers, parents and guardians, members of boards of management and students. The schools must teach all aspects of the RSE programme, including but not limited to family planning, sexually transmitted infections and sexual orientation. The circular provides that all aspects of the programme can and should be taught within the ethos and value system of the school as expressed in the school RSE policy. It should be emphasised, however, that elements of the programme cannot be omitted on the grounds of school ethos.

I believe all of us are cognisant of the change that has occurred since the present RSE curriculum was developed. It is crucial our young people be taught material that is current, up to date and reflective of their lived experiences in a modern world. As we know, the Internet and social media have considerably changed the context in which education operates and, of course, considerable developments have occurred in respect of attitudes to sexuality more broadly and

issues such as sexual orientation, contraception and consent. We must ensure the curriculum provides information in a manner that is factual and appropriate to a student's age and stage of development.

As such, in 2018, the then Minister for Education and Skills, Deputy Bruton, requested the National Council for Curriculum and Assessment to undertake a major review of RSE in schools at all stages of education to ensure it is fit for purpose and meets the needs of young people today in modern Ireland. The request to the NCCA included a number of areas for inclusion in the review, namely, how the RSE curriculum is planned, how it is taught and how parents are involved; that the entire curriculum is taught in schools to a high standard; the role of the classroom teacher in teaching the curriculum and the appropriate level of supports provided by external providers; how much time is given to it, what resources is provided and what support materials are used; and how effective the continuing professional development opportunities provided by the Department and other bodies to RSE teachers are.

The review was asked also to consider a number of curriculum areas, namely, consent, what it means and its importance; developments in contraception; healthy, positive sexual expression and relationships; safe use of the Internet; social media and its effects on relationships and self-esteem; and LGBTQ+ matters. The Department of Education and the NCCA continue to advance that work. The report on the review of relationships and sexuality education in primary and post-primary schools was published by the NCCA in December 2019.

On foot of the recommendations within the report, the NCCA has established two development groups, one for primary and one for post-primary, to oversee the development of an updated curriculum and materials in this area and supporting the development of guidance material for schools. Both the primary and post-primary SPHE-RSE development groups have been meeting online monthly since the groups were convened in October 2020. The immediate focus of the NCCA work has been on creating support materials for teachers for publication online as part of an interim guidance toolkit. The toolkit's purpose is to support effective teaching and learning of SPHE and RSE linked to the current curriculum. This work is progressing well and extensive supports have been published as part of these toolkits, which can be accessed at curriculumonline.ie. The supports include a portal that acts as a repository of teaching and learning resources linked to the primary SPHE curriculum, the SPHE junior cycle short course and the senior cycle SPHE framework. There is also advice on how to create a safe SPHE classroom where young people can openly discuss matters that are important in their lives, and guidance on effective teaching methodologies for SPHE. Specific guidance on how to teach sensitive topics that arise in SPHE will be added to the toolkits shortly, including guidance on how to teach about consent in an age and stage-appropriate manner, and how to ensure that students who identify as LGBTQ feel included in the SPHE classroom.

In tandem with providing these immediate supports for teachers, preparation for the broader redeveloping and updating of the SPHE curriculum is well under way, with an initial focus on the junior cycle. Following a review of the current junior cycle SPHE short course, a brief for the redevelopment of junior cycle SPHE was developed. Together with a background paper, this brief was published on the NCCA website and consulted on from late September to early November this year. Feedback from this consultation is being analysed and will be reported on in early 2022. Consultation feedback will inform the work of the post-primary development group in updating the specification for junior cycle SPHE. Importantly, consultation will also take place in 2022 on the draft updated specification during which students, teachers, parents and wider civil society can provide their views. Drawing on this feedback, the updated speci-

fication will be finalised by the end of 2022. It is planned the new specification will be rolled out to all schools from September 2023.

The redevelopment of the junior cycle SPHE and RSE curriculum materials will be followed by the redevelopment of the senior cycle and primary curriculums. Resources to equip teachers with the skills, competence and confidence to teach the curriculum effectively will also be developed. In updating the curriculums, particular attention is being given to the inclusion of learning in topics including but limited to: healthy, positive sexual expression and relationships; safe use of the Internet and social media; consent; pornography; gender and sexual discrimination; developments in contraception; and LGBTQ+ matters. In addition, inter-agency meetings are taking place to discuss how teachers' professional development needs can be met in this area and how teachers can be supported and upskilled to enable the successful implementation of an updated curriculum.

Work is well under way in developing an integrated, updated SPHE-RSE curriculum for both primary and post-primary that is grounded in the rights of all children and young people to learning that is inclusive and both age and developmentally appropriate, aimed at enabling them to create and maintain healthy, respectful relationships and lead fulfilling and healthy lives. The work is grounded in research and international good practice as well as significant consultations that have taken place with teachers, parents, students and other education partners in recent times. This evidence-informed, collaborative and consultative approach is important in progressing this vitally important and sensitive area of curriculum development.

It is vital that students have access to factual, evidence-informed, scientific and objective information. Where legislation is needed to support the right approach, then we must ensure this happens. This is reflected in the programme for Government, which states that this Government will "Develop inclusive and age-appropriate RSE and SPHE curricula across primary and post-primary levels, including an inclusive programme on LGBTI+ relationships and making appropriate legislative changes, if necessary." For these reasons, I very much welcome Deputy Gannon's initiative in raising this critical issue in this House. It is important that the need for legislation, the form it takes and its content should be informed by the development work that is currently being advanced.

Acting Chairman (Deputy Alan Farrell): I thank the Minister.

Deputy Jennifer Carroll MacNeill: Will copies of the Minister's speech be circulated?

Deputy Norma Foley: I assume so.

Deputy Catherine Murphy: As has been stated, the Bill seeks to standardise sex education in primary and secondary schools. Such sex education should, of course, be age appropriate and underpinned by values that reflect the modern and inclusive society Ireland has become. Central to such programmes should be dignity and respect. The aim should be to equip young people with the knowledge and information needed to make good decisions but also, critically, to have the confidence to make good decisions. That confidence and information leads to good decision making and results in a reduced number of teenage pregnancies and a reduction in STDs or STIs.

It is interesting to hear what pupils themselves had to say. The Minister referenced the review that took place. It commenced in 2018 and was completed by December 2019. RSE was seen as inadequate and way too biological. The review looked at topics including sexual

consent and what that means, along with developments relating to contraception, sexual expression and relationships. It also looked at safe use of the Internet and social media and the effect that was having on relationships and self-esteem as well as LGBTQ issues. Students frequently said RSE was limited to a narrow range of topics and overly influenced by teachers selecting the topics they felt most comfortable teaching or considered to be of relevance to the students. With the exception of one school, students who participated in the focus groups all spoke about the abstinence and problem-based approach to RSE being the prevalent model experienced, one predominantly concerned with the risks and dangers of sexual activity rather than focusing on the positive aspects of relationships and sexuality. Students believe very strongly - this is coming from the students - that telling them not to do something or merely pointing out the dangers of sexual activity is unhelpful and misguided. Pupils told the review team that they wanted to be taught more about issues like sexual orientation, consent and healthy relationships.

Many parents wanted their children to be taught about consent, sexual orientation and contraception at school. However, an online survey carried out by the authors of the review found that post-primary parents considered knowledge of how to avoid sexually transmitted infections the most important topic about which their children could learn. Most principals consider parental engagement on RSE an enabling factor, although some of them are aware that a small number of critical voices can exert undue influence and have a negative impact on what is taught. That is all the more reason for a standardised approach.

The review made several recommendations, including the development of an up-to-date teaching resource and more specialised training for teachers. An updated RSE curriculum for schools was due to be developed in 2020. This review started in 2018. Children who started secondary school in 2018 will be right through their entire secondary school programme before a change is made. That is unacceptable.

Earlier this year, the Catholic Church published a new programme for relationships and sexuality education for the 90% of primary schools that are under its control. There is no doubt that the aim is to frame sexuality education within a religious ethos. As Members are aware, education is funded by the State. To my mind, in a republic, such education should be secular. Well over 90% of primary schools are under Catholic patronage. When other religions are included, the total is close to 95%. A level of 90% far exceeds the number who identified as Roman Catholic in the most recent census, which, in itself, is above the number of people who actually practise religion. In 2010, it was found that 41% of people attended weekly. That number has been continuously falling. As stated by my colleague, we are seeing a lack of choice. The divestment programme is painfully slow and that means that people do not have a choice.

Acting Chairman (Deputy Alan Farrell): Before I call Deputy O’Callaghan, for the benefit of the Minister and her departmental officials who may be listening to these proceedings, the provision of a ministerial script to the House is a requirement and I ask that the script be expedited and brought to the House.

Deputy Cian O’Callaghan: I thank Deputy Gannon for bringing forward the Bill. It is quite shocking that it needs to be brought forward at this stage in the history of this country. We are approaching the end of 2021 and I find it very difficult to understand the lack of urgency in the comments of the Minister on this issue. There is a requirement for this to be dealt with quickly so that no more school students are left in situations where they are not getting access to proper standardised and fact-based relationships and sexuality education. That should be happening urgently now.

The Bill is about the needs of all school students, but I wish to specifically address some of the issues affecting LGBTQ+ students in particular. When I was in school, I received no relevant sex education whatsoever. When a student in my class asked the teacher going through sex education about relationships and sexual education for same-sex couples, the teacher responded that they would leave that to the imaginations of the students. That is the full extent of the relevant sexual education I received when I was in school. There is nothing in the response the Minister has given so far today that gives me confidence that other LGBTQ+ students in school are not potentially in a similar situation today.

We know there is a significant variance in how schools deal with sex education and LGBTQ+ issues. Some schools are very good at it and some teachers put a significant amount of effort into it. There are excellent resources available from BeLonG To. However, there are schools that pass over it altogether. We know from what the Minister has said that the elements of the programme cannot be omitted, but we do not know what approach is taken in terms of dealing with the elements of the programme. The lack of a standardised approach is a massive weakness in this regard.

Thankfully, the country has moved on significantly since I was in school. The people spoke on the issue of LGBTQ+ equality in the marriage equality referendum in 2015, but the decision of a strong majority of the people on that day for an inclusive Ireland and for people to be treated equally has not filtered through fully into relationships and sexuality education in schools.

The nine-month delay the Minister is now talking about, which comes after years of delay on this issue, means that another cohort of students will go through the school system with some of them not receiving the support, information and fact-based curriculum they need on this issue. It is completely unacceptable and shocking that, only a few months ago, materials containing homophobic statements for use in the classroom were removed from a website funded by the Department of Education. How they could have been on a Government-funded website for use in classrooms this year - I will not repeat the homophobic statements in this Chamber because I find some of them utterly shocking and despicable - must be explained. Part of the reason is the lack of a standardised approach, which we are seeking to address through this Bill. Let us be clear about this. We know that if this Bill goes to Committee Stage, it will take time. Getting time in the committee will be a challenge, and it will take time to progress it through the committee. There will be ample opportunity for engagement and consultation in the committee, so moving it to the committee will not mean that this will be resolved quickly. Looking for a nine-month delay before we can even start to seek time in the committee for this means that the Bill will potentially be delayed for years.

I want the Government to look the school students of this country in the eye and explain to them why it thinks this should be delayed for years and why it will not be acted on now and urgently. It should do that today, rather than use these delaying tactics. If we all say we agree with fact-based education on sex and relationships, why not move on it now by having a standardised curriculum? I appeal to the Minister to withdraw the amendment and let us get on with this.

Deputy Mark Ward: I thank the Social Democrats for bringing this Bill to the House. Sinn Féin will support it. I am a father of three children and I can say that sex education can be hit-and-miss, depending on the teacher who is teaching it and on the religious ethos of the school. It is no secret that sex education in this State has long been totally deficient. While some improvements have been made, we still hear stories from schools about education that is

misguided, incorrect or incomplete.

An advisory group established to advise on the development of relationships and sexual education in schools found that children receive informal and unsupervised information about relationships and sexuality; such information may be inadequate and inappropriate; young people are already exposed to a variety of sexual practices and attitudes through the media, particularly television, film and social media; children are maturing physically at an even earlier age; the roles of men and women in society are changing; there are health issues associated with sexual practice; young people are becoming sexually active at an earlier age than in the past; and the nature of family life is changing in a way that places many pressures on children and young people. We must have a relationships and sexual education curriculum in schools that will capture this.

Although relationships and sexual education is a mandatory programme, it is not taught in all schools and in all classes. This is 2021, but it sometimes feels as if it is 1921. This is particularly the case, as was mentioned previously, for young people in the LGBTQ+ community due to the lack of inclusion in the current Department of Education model, let alone courses that have been compiled by religious organisations, such as the Flourish programme. The Flourish programme is not fit-for-purpose for relationships and sexuality education for children. It is discriminatory to LGBTQ children and families. When it comes to relationships and sexual education, the religious doctrine cannot influence how it is taught to children. If the Catholic Church does not feel that teaching proper, factual and up-to-date sexual education in schools is appropriate, it says more about the Catholic Church than it does about the young people who attend its schools.

No child should feel that his or her identity, sexuality or family circumstances are lesser because they are not included in the sexual education programme prescribed by the child's school, the ethos of that school or the teacher. Due in large part to outdated legislation, schools are picking and choosing the parts of the sexual curriculum to deliver to their students. This means that many of the key issues surrounding safe sex, contraceptives and crisis pregnancies are often barely touched on or are left out entirely. These areas are discussed even less frequently or often not at all in the context of same-sex relationships.

As I said, it is 2021, not 1921. The access young people have to the Internet is not something I experienced when I was younger. If not monitored, this can lead to young people accessing sites that will give them a false realisation of what sex is and of what sexual consent is. The fact that sexual consent is often left out of discussions in schools is a red flag that indicates why we must update the relationships and sexual education curriculum in schools. If we teach young people about consent at a young age, it will help them become informed, respectful decision makers as adults.

Deputy Martin Browne: I also thank Deputy Gannon and the Social Democrats for bringing this Bill before the House. As Deputy Ward said, Sinn Féin will support it.

The standards and quality of teaching about health relationships and sex education in schools have varied for far too long. It seemed that the quality or manner in which these topics were discussed or taught in schools was primarily based on the school in which they were taught or the teachers who taught them. Sex education in this country has not been adequate for too long. In many cases, it fails to take into account the realities that young people will face, withholding from them the information and knowledge they need for a safe, healthy and happy life. Un-

fortunately, this is not a problem that has been consigned to the past. I note that improvements have been made, but not to the extent that our young people need and deserve.

A report from the HSE found that the content and scope of relationships and sexuality education vary considerably across schools. This means that some young people get a fuller, more complete education than others. Denying knowledge or the ability to open up is no way to do justice to our children. It is no way to set them up for life and equip them with the skills they need to make important decisions and keep themselves safe. Indeed, it can prove damaging to mental health as well. If a young person is unable to discuss with others his or her sexuality or is unable to talk about the pressures he or she may be experiencing, anxiety will build up in that person. This can have big consequences for his or her mental well-being. It can also have consequences for the person's ability to know when he or she is being loved or being abused. Unfortunately, this is happening. One need only look at the HSE report last year which revealed particular variations in the content and scope of relationships and sexuality education across the Irish school system. When speaking of variation in this context, what is really being spoken of is how many young people are being denied an education that both protects and informs them. Good relationships and sexuality education protects young people through awareness of issues such as sexual consent and how to identify and nurture a positive relationship. It informs young people in a way that rejects the notion of discrimination.

Unfortunately, we are still left with the consequences of the characteristic spirit clause in the Education Act 1998. This enabled ethos-based schools to be free to leave out certain aspects of the curriculum in circumstances in which aspects of that curriculum did not meet the characteristic spirit of the school. This meant that issues such as safe sex, contraceptives and crisis pregnancy were left unaddressed in some schools. What did this mean for the LGBTIQ+ community? We continued to see a lack of inclusion in the current Department of Education model and, of course, the Flourish programme. Young people want to be educated in a way that reflects the realities of life and not to have an education that is confined to ideals that are based upon a view of a school's ethos or the educator's point of view. They want and need to be fully informed. They want to be included and respected. We cannot tolerate anything less for our children.

As the National Council for Curriculum and Assessment prepares a new RSE syllabus, I hope it will improve the quality of sexual education available in this country. In doing this, I hope a way will be found to deal with the unsatisfactory influences that some religious organisations may have on the teaching of sexual education in schools, but I am not convinced it will happen. I welcome this legislation as a key step in achieving a comprehensive and inclusive sex education curriculum across all schools, which will lead to a more inclusive and informative education for all young people regardless of their sexuality or circumstances.

Deputy Sorca Clarke: I welcome the opportunity to speak on this Bill, introduced by Deputy Gannon, which seeks to modernise the teaching of relationships and sex education for students in accordance with best practice in health and science and to standardise relationships and sex education across all schools which receive State funding. One can only hope that this sounds the death knell for the previous methods of sex education, which focused on a fear-based approach highlighting danger, disease and unplanned pregnancy. All those have a place in an all-encompassing conversation about sexuality and sexual health but, unfortunately, they tended to be the sole focus of a sex education programme that was simply no longer fit-for-purpose.

A report last year from the HSE showed there were significant variations in the content and scope of RSE across schools. Digital sex lives, image-based pornography and revenge pornography were not factors or topics that needed to be considered when the sex education programme was being devised, but they are topics that can and must be covered in any future sex education programme. However, this will still not address the elephant in the room, which is the fact that religious organisations will still have a significant input into the sexual education programme in many schools. For too long, ethos-based schools were free to leave out certain aspects of the curriculum which they believed did not match the characteristic spirit of a school. Due in large part to outdated legislation, schools are picking and choosing which parts of the sexual education curriculum they deliver to students. This is not only a dereliction of duty, but an abdication of educational and moral responsibility. Vacuums are created when calm conversations imparting facts and evidence-based information are replaced by almost alternative facts, in particular in the areas of reproduction and consent. Let us not forget the seemingly ever-present moral judgment about sexuality.

Each generation has had its own particular nugget of sex education that later proved inaccurate. Those at the receiving end of these nuggets resorted to schoolyard conversations and, later on, Google searches. I certainly remember the notion that one could not get pregnant the first time one had sex. Somehow, that belief has still managed to survive through the generations. I dread to think of the number of girls who became pregnant because they did not realise they had the right and power to say no.

While I and my colleagues in Sinn Féin will support the Bill, we should include topics relating to gender and domestic-based physical and sexual violence. Research from Women's Aid indicates that coercive control and gender-based violence are factors in many relationships for those under 18 years of age. We need to create a different yardstick by which we teach our younger people what healthy and unhealthy relationships look like. Education increases the capacity to make informed choices, and so it should be for relationships and sex education. We must trust our young people and properly equip them with the necessary age-appropriate skills to feel confident in discussing these matters. This Bill is a welcome first step in ensuring a uniform, comprehensive and inclusive sex education curriculum across all schools.

Deputy Pauline Tully: I welcome the Bill from the Social Democrats and agree that there needs to be a standardised teaching of health, relationships and sex education across all schools in Ireland. The RSE programmes in our schools leave a lot to be desired. While some improvements have been made over the years, they are still not adequate. A programme needs to be much more than a focus on the biological aspect of sex. Much greater emphasis needs to be placed on sexual health and what constitutes healthy relationships. Currently, teaching varies from school to school and is often misguided, incomplete and leaves out important information.

As we know, many of our primary schools in particular have a religious ethos and the vast majority are Catholic Church or Church of Ireland based. Parents, regardless of religion, do not have any choice about what school to send their children to, in particular in rural areas. However, a sex education programme drawn up by the clergy of a church is not in any way appropriate for our young people. Such programmes frequently omit issues seen not to conform to the teaching of a particular church.

Unfortunately, some children and young people do not receive any form of sexual or relationship education in the home. I have always felt comfortable speaking to my children because I got the inevitable questions about where babies come from. Obviously, we are not going to

traumatise them by telling them everything at the age of four or five, but we talk to them in an age-appropriate way. That is what should be happening in schools.

As children get older, there can be more frank and open conversations. Children respond to honesty. For too long in this country, relationships and sex were construed as being something to be ashamed of. I do not want my children or, indeed, any other young people growing up feeling they should be ashamed of their bodies, sexual orientation or involvement in a healthy, loving and natural relationship.

Ireland has become a multicultural and multi-denominational country. We have become much more open-minded in the past 30 years or so. It is not that long ago that contraception was illegal, sex outside marriage was frowned upon and pregnancy and the birth of a child outside marriage was something to be ashamed of. This week we discussed mother and baby homes and the disgraceful treatment of many young mothers. This treatment was partly enabled by a lack of information and a deficiency of data. This continues when it comes to the gathering of evidence on sexual violence in schools.

Earlier this year, at the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science, Dr. Niall Muldoon, the Ombudsman for Children, pointed out that despite the Department having a monitoring framework examining schools, entitled Anti-Bullying Procedures for Primary and Post-Primary schools, it has persistently chosen not to ask about sexual bullying. This, Dr. Muldoon said, the State will have to account for in 2022 when it has to report to the United Nations Committee on the Rights of the Child.

Unfortunately, many of our young people admit to watching porn where sexual behaviour is not normalised and is frequently violent. It is important to teach people about forming healthy relationships and consent and precisely what that means so that they feel able to discuss it openly. Tomorrow is International Day for the Elimination of Violence against Women. Our schools have an important role to play in eradicating violence against women by educating our young people on healthy relationships.

Safe sex also needs to be part of any programme, again when age appropriate. Relationship and sex education has to be inclusive of all people regardless of their sexual orientation.

Deputy Paul Donnelly: I thank Deputy Gannon and the Social Democrats for bringing forward this Bill. We are very happy to support it. I listened to the Minister's speech and, unfortunately, although there were fine words, the fact that we are kicking the can down the road for another nine months says it all regarding the response of the Government.

I have been very privileged to have been in a position to provide sexual health education and training to young people in a Youthreach centre I worked in for a number of years. We delivered a number of programmes over the years. We had a factually-based programme that covered sexual health and relationships in a non-judgmental way. Young people engaged in a two-way process that helped us to develop the programme. I knew from our evaluations of the programme that it was welcomed by the students. It took place over a two-day period on a consistent basis and was extremely successful. Unfortunately, this is not the case for many students in our schools, where sexual health and relationship programmes are very limited or, in some cases, non-existent. In some cases, the curriculum is not adequately informing our young people of the facts.

As I stated, a report from the HSE showed that there are significant variations in the content

and scope of the RSE programme across schools. We know that a significant cohort of young people have not received any information at home. Therefore, it is important now, more than ever, that school-based RSE programmes sufficiently inform our young people of the facts.

The issue of specific concern that needs to be addressed in regard to the RSE programme at the moment is consent, something which has been raised during the debate in respect of young people and coercive control affecting those aged under 18. Connected to this is the use of social media and its damaging effect on relationships and young people. We hear this consistently. A fantastic programme was run by the Blakestown and Mountview Youth Initiative, in conjunction with Fingal County Council, about coercive control and the impact social media has on young people.

One cohort which is particularly affected is young people in the LGBTQ+ community, given the lack of inclusion in the current Department of Education model. Some schools are good at inclusion, but that is not the case across the board. I am thinking especially about young people who are in schools where there is no inclusion and how they feel. No child should feel his or her identity, sexuality or family circumstances is lesser because he or she is not included in a sexual education programme as prescribed by a school, the ethos of the school or a teacher.

Ireland has changed, and for the better, over the past number of years following the passing by a substantial majority of our citizens of the referendums on marriage equality and the eighth amendment. Our people are well ahead of this programme and the Government in terms of sexual health and relationship education. The simple message is that the Government must catch up. Kicking the can down the road for a further nine months is not acceptable.

I have worked with young people for 20 years through the school completion programme, Youthreach and Tusla. They want to be fully informed and know how to be safe in their current or future relationships. We have to trust young people enough to help and support them in order to equip them properly with the skills necessary to feel confident discussing these matters.

11 o'clock

The process should begin in school but also in the home. I encourage parents to take the brave step of talking to their children about their sexual health and relationships. Collectively, we can have a great impact on their lives. As I have said, it is extremely important that the Government drops its amendment to the motion today and moves forward so that we can all move forward together, discuss the Bill and put in place a proper programme for our young people. Our young people deserve that.

Deputy Aodhán Ó Ríordáin: I congratulate Deputy Gannon and the Social Democrats on bringing forward this Bill. It is quite ironic that the Government thinks that, if we even talk about sex, something new will be born in nine months' time. That is the reason for the delay in moving on to Committee Stage, which would be the obvious step to take if the Government was taking this legislation seriously. It is remarkable that we even need to have this discussion. It is sometimes almost embarrassing to discuss the Irish education system with somebody who is not Irish. If I was to explain to somebody from overseas who is not Irish why we need to have this discussion about sex education in our State-funded schools, I would find myself getting embarrassed and struggling to convince that person that we live in a genuine republic. The words "republic" and "republican" are bounced around these walls and around the airwaves all the time but when it comes to basic State provisions such as education, which is supposed to

free minds, the system is anything but republican.

If talking to someone from outside who is not Irish, I would have to say the reason we need to have this conversation about providing for proper sex education and empowerment in our schools is that a great many of them are under religious influence. What the Minister did not speak to in her contribution when she was telling us about the need for a nine-month delay is the supplementary providers who come into the system. These are often encouraged by patron bodies that believe that sex outside of marriage, contraception, abortion and IVF are wrong, that marriage should only be between a man and a woman and that homosexuality is disordered. These supplement the scheme the Minister spoke to with their own ethos and in their own way. They also do not believe that men and women are equal. Again, if talking to a person from outside Ireland, I would have to say that the reality on the ground in our schools is that we need this legislation to ensure we do not have these supplementary providers coming in to push an agenda based on an ideology because we do not have the courage of our convictions, as a republican assembly, to establish a State education system with a State sexual health education programme. By the way, one third of our second level schools are single-gender schools. We love separating children on the basis of religion and gender. We also enjoy separating them on the basis of income.

The point here is that this is not just about whatever scheme is mandated by the Department. It is about what the patron bodies do to supplement that scheme. That is the point of the exercise. That is the point of the legislation. One would think that at this point in the journey of this republic, we would all have come to the conclusion that we need to separate church and State. Why is that such a controversial thing to say? Why do people get nervous about the letters and emails that will come when anybody in politics says that we need to separate church and State? Why is it so outrageous to say that we need to separate church and State, that the incredible influence these unelected and ideological bodies have over young minds in this country must be broken, that the State has to take responsibility for education and health and that we need to have a discussion about how we cannot stand over that system any more because it is not doing any good for our children? I maintain that it is actually doing damage to them because it does not, in any way, reflect their lives. They hear that divorce and IVF are wrong and that, if they have a brother who is gay, he is disordered. They are told that the family they grew up in is not ideal.

In the programme for Government, there is a commitment to establish a citizens' assembly on education. I am blue in the face, as is Deputy Gannon, from asking about the citizens' assembly on drugs but I will ask the Minister about the citizens' assembly on education. We need to finally come down to the constitutional reality that we cannot stand over that system any more. If a citizen's assembly is required to ask these hard constitutional questions, then let us put those questions to the people. As has been said, whenever we have asked the people about the tough constitutional issues that we never thought could be resolved, they have been well ahead of us. They are moving in their droves away from this old, tired view of an Ireland that is disproportionately influenced by men over a certain age who have certain titles and demand that we live in a way that is - I should say "was always" - out of sync with any sort of reality. That Ireland is over. I had to correct myself there as I suggested this is a modern reality. It is an eternal reality.

I ask the Minister to please speak to the fact that this is not just about what is mandated in schools but about what schools can do to supplement that. As Minister of State in the area of equality, I had difficulty in trying to get section 37 of the Employment Equality Act 1998 re-

pealed so that schools could not discriminate against teachers on the basis of their marital status or the fact that they were gay or unmarried parents. However, I could not delete that section because of constitutional impediments. It could only be amended. I remember that. I also remember teachers who were members of the Irish National Teachers Organisation LGBT group going up to Áras an Uachtaráin, where they were encouraged to get into a photograph with President Higgins but stood aside because they believed their employment prospects would be at risk. That is not ancient history.

I have made a few points to the Minister in the time allotted to me. I very much appreciate this initiative by the Social Democrats. I urge the Minister to stop talking about what is being mandated and to talk about how these patron bodies are supplementing that. When are we going to have this citizens' assembly on education? Will the Minister please have the vision and conviction to speak as a politician in a republic about the need to finally separate church and State?

Acting Chairman (Deputy Alan Farrell): I call on Deputy Boyd Barrett to speak on behalf of People Before Profit-Solidarity. The Deputy is sharing his time.

Deputy Richard Boyd Barrett: How many minutes do we have?

Acting Chairman (Deputy Alan Farrell): You have eight minutes.

Deputy Richard Boyd Barrett: We will take four each.

Acting Chairman (Deputy Alan Farrell): That makes eight.

Deputy Richard Boyd Barrett: We thought we had more. I thank the Social Democrats for bringing forward this Bill on this incredibly important subject. I also commend the former Deputy, Ruth Coppinger, who brought forward a Bill with similar objectives in 2018, the Provision of Objective Sex Education Bill 2018, which tackled the issue in a slightly different way but had the same objectives. That Bill was passed by the Dáil and it required changes in the principal Act essentially to remove the right of the ethos that is protected in that Act from extending to anything to do with sexuality and that those things should be completely taught on the basis of evidence-based objective education. This Bill is trying to do exactly the same thing in a slightly different way and is very much to be commended.

It is worth contemplating the fact that this Bill was passed and was then buried with a money message by the Fine Gael-Fianna Fáil-Independent minority Government. That Government did not feel that it could oppose it but it buried the Bill with the cynical use of the money message.

It is somewhat appropriate that this debate is happening in the same week that we are also debating the mother and baby homes. There is a direct connection between the religious ethos of the institutions which degraded and abused women, the persistence of gender-based violence, the mistreatment of women today and the mental health of our young people, which is often under a great deal of pressure, to put it mildly.

What did the religious ethos do? It essentially made sins of what are basic human needs. Basic human requirements were deemed to be sinful and wrong and to be a reason for shame. Once basic things, such as just being a woman, having a different sexuality or expressing one's sexuality in any shape or form are deemed sinful, then those who are women or who express

their sexuality or who have different types of sexuality become dehumanised and degraded. It becomes okay then to abuse and treat them in a lesser way. When that is legitimised, then the mental health of young people today is put under intense pressure because they are told that there is something wrong with things that are actually just basic human needs and expressions and so on.

When we are talking about this, it is not some sort of ideological debate but is one about the welfare and well-being of our children. To have anything less than scientific, evidence-based education is obscene and is a danger to our children. It perpetuates some of the worst abuses and continued mistreatment and abuse of women, of people with different sexuality, gender identity, and so on. It has to stop and we should not even be debating this but should be talking about the separation of church and State, full stop. There is certainly no excuse, however, for the Government not to accept this Bill and to pass it into law immediately.

Deputy Mick Barry: Let us start by hearing the voices of some school students and I will give a number of quotes to Members.

The first one reads:

I vividly remember the teacher referring to contraception as the “C” word and saying that she did not like to use it in the classroom as it was against the ethos of the school. The rest of the module I do not remember as clearly although I know there was no discussion relating to consent or sexuality.

The second reads:

First of all, it only focused on heterosexual relationships. They mentioned bisexuals once when they asked us did we think that they were greedy.

The third one reads:

We were basically told that we should wait until marriage to have sex. To emphasise this point, the teacher took a piece of Sellotape, stuck it to our hand, ripped it off and showed us the bits of dirt now stuck in it. She likened this piece of tape to each girl and her sticking the tape down to her skin as each boy the girl kissed. She kept repeating the action basically showing us that kissing many boys made you very dirty. When the tape lost its stickiness ...

My apologies, as I have lost my page. Essentially when the tape lost its stickiness, the girl said that this shows that when you do this so many times, you are not able to stick to a long-lasting relationship. That is the basic gist of it.

Acting Chairman (Deputy Alan Farrell): I am glad the Deputy did not cite Peppa Pig.

Deputy Mick Barry: It is true that this an extreme example of what can be taught in relationships and sexuality education, RSE. When the INTO reports that just 18% of LGBTQ+ teachers have declared their orientation in their workplace, one gets some idea of the extent to which religious ethos is distorting sex education in our schools. Young people need factual-quality RSE in all of the schools. For this reason I will be supporting this Bill. It is a progressive step forward.

On First Stage, Deputy Gannon made reference to the stumbling block of the religious ethos of schools when he said that it has been a tool of control and power for the Catholic Church.

With almost 90% of our primary schools under Catholic patronage, the State is still permitting the Catholic Church to influence how sex education is delivered. This shows the need to separate church and State and that is the real debate we should be having here but let us look at the question of religious ethos.

The Bill that Deputy Boyd Barrett mentioned that was introduced by former Deputy Ruth Coppinger of the Solidarity Party, namely, the Provision of Objective Sex Education Bill, tackled this issue head-on but was blocked by the Government by way of a money message. Unfortunately, the Bill before us is silent on the issue of the need to remove religious ethos as a factor in how sex education is taught in a school. That is an important point but we will nonetheless vote for this Bill because it is progressive, is a step forward and we will tease those points out on Committee Stage.

We need also to raise on Committee Stage the need for the Solidarity Party Bill to come back onto the agenda. The removal of that money message is also an important point. I will leave it at that.

Deputy Peadar Tóibín: Aontú is an Irish republican party. We believe in a pluralist Ireland and an Ireland where everybody has a right to be who they are to the fullest extent without fear or favour. Diversity is a key foundation of a republic and our Republic comes from Wolfe Tone's republicanism, where Catholic, Protestant and Dissenter can live together peacefully and where everybody can reach their full potential.

Catholic education around the world is renowned. The Catholic Church provided education in this State when much of the State had either no interest or could not afford it. In actual fact we owe a debt of gratitude in this State for the many generations of people who were educated by Catholic educators in this country. The statement that eaten bread is soon forgotten resonates and rebounds across this Chamber here today.

We in Aontú believe that there are too many Catholic schools in this State at present. We fully support the divestment of Catholic schools in order that the education system reflects the diversity that exists in society today. The Government has been talking about divestments for years. I remember former Minister, Ruairí Quinn, in this Chamber looking to move the idea of divestment. I also remember Labour Party councillors locally lobbying Ruairí Quinn not to divest their local school because parents did not want it divested.

We also believe, and this is very important, that all students, no matter what their background, gender or orientation, should be able to see themselves positively in the education that they receive. It is key to the formation of any young person that they understand themselves through their education and understand that they have value, that they are good and that they have an intrinsic dignity.

We also believe that all parents should be able to send their children to a school that reflects their ethos. This is, by definition, the pluralist education model of a republic. I believe wholeheartedly that the Social Democrats Members here today should be able to send their children to any school that reflects their ethos but I oppose strongly that party's seeking to deny parents of a different ethos doing the same thing. I oppose the Social Democrats forcing their ethos on other families who do not want it. This Social Democrats Bill is an attack on pluralism and on diversity and is a one-size-fits-all Bill. It states that parents can forget about the ethos of their family and that the Minister of the day will determine the ethos of the education system that

parents and students will receive in the future.

The Ireland of the 1950s was a place of extreme uniformity. One either fitted into the uniformity of the society or had to keep one's head down. The Social Democrats' Bill is simply a mirror image of that uniformity. Sure, the ethos is vastly different. The clothes of the policy are radically different but the Bill is just as rigid, uniform and as stifling. The basis of the word "pluralism" is plural. The idea of having a plural system means having competing, different and sometimes disagreeing systems. However, this is a Bill that seeks to delete that pluralism.

It amazes me at times that the people who often flaunt and wear the clothes of pluralism diversity the most in this State are often the people who vigorously oppose that diversity in reality. I will give an example of that. Ógra Shinn Féin held a debate just before the local elections on diversity in the National University of Ireland, Galway, NUIG. It invited female candidates of all the different political parties to that debate, including our own Nuala Nolan, who was formerly a Labour Party councillor in Galway. When it found out she was a human rights activist and supported everybody's right to life, it disinvited her from that debate on diversity and suspended the Ógra Shinn Féin member who invited her to that debate. Let us think about that for a second. Its message was that it was having a debate on diversity and supporting diversity 100% but only if it agrees with its opinion.

Many of the speakers in this debate will say there should be no ethos in the education of our children on this issue. However, we cannot have an ethos vacuum. Some of the speakers have said they want a science-based debate. I also want a science-based education system but humanity needs a value system to make sense of science. Science has given us the power to split the atom but our value system determines whether we use it for a nuclear bomb or for nuclear energy. The Social Democrats will say it is a party of science but it is also a party of values. It would not be able to interpret science without its values. Value systems are very important in society for people to be able to make sense of that facts that exist in that society. If we are in a pluralist republic, we should be able to tolerate the existence of plural value systems in the society.

I remember when I was a Sinn Féin Deputy I was whipped by the party at the time to vote for a similar Bill introduced by the then Socialist Party seeking a similar outcome. That was incredible because that Bill was in complete contradiction to what Sinn Féin was saying in the North of Ireland. Catholic education is especially important to nationalists in the North. It is one of the few places where nationalists in the North could be safe and celebrate their culture. However, Six Counties Sinn Féin would never attack the pluralist education system in the North, given the history of the North. It would know better than to do that. However, we have Twenty-six Counties Sinn Féin supporting this Bill and that previous Bill. Sinn Féin's view on this is a partitioned view. That partitionism within Sinn Féin is growing over a number of different areas.

This Bill is likely to be going nowhere because of the fact it is likely to be unconstitutional. Central to the Constitution is the right of parents to be the primary educator of their children and to be able to choose the education of their children. If this Bill is going nowhere, it amounts in many ways to a virtue signal. Right around the world, parties of the left are spending much of their time on woke virtue signalling instead of using their time to represent working-class people on the bread and butter issues that are hammering so many people.

In the US, the Democrats forgot about the bread and butter issues of the Pennsylvania

steelworkers and handed those votes to Trump. The red wall of north England fell in large part because the Labour Party was distracted by these issues and did not listen to the people in working-class areas. That is happening in France and in many other countries. By all means, we need divestment. We need more ethos options for parents and children around the country. We need to remove the Catholic Church from many schools. However, this Bill seeks to return to the stifling uniformity of the 1950s except in another guise.

We should remember while we debate this Bill today thousands of children throughout the country are stressed out because they cannot get a school place. Many children with autism are being discriminated against and there is a desperate lack of school places for those individuals. I thoroughly believe it is incredible we are having this debate while thousands of students are forced to stay at home because of improper Government policies on Covid and that there is not a substitution provision right now for the teachers they need so much. However, here we are debating a Bill that is likely to go nowhere.

Deputy Michael Healy-Rae: I appreciate very much the opportunity to speak on this Bill. I understand I have three minutes.

Acting Chairman (Deputy Alan Farrell): Yes.

Deputy Michael Healy-Rae: I would like to remind people that I respect all religions and none. I really mean that. Regardless of whether some people hate it, we are predominantly a Catholic country. I am very proud and glad of the influence that religion, including the Catholic religion, has had on all of our lives over the years. I thank people in the religious sector for the contribution they have made to education going back decades. That said, it must be acknowledged that wrongdoing was done by some people. Of course, it was horrible what was done by religious people but there are horrible people in all sectors of life. There are horrible politicians but not everybody is horrible. We cannot throw out the baby with the bathwater.

This Bill is telling us we need to stop using religion as a method to deliver relationship and sex education and that we have a shameful history in respect of sex education or the lack thereof. Reasonable people would agree that schools should play some role in educating children about their bodies and the consequences of sex. Are Irish parents, be they liberal or conservative or religious or non-religious, comfortable with adopting a Social Democrats' sex education plan that is not so much about biology as it is about assailing traditional values and encouraging behaviour that responsible adults know could potentially be terrible for children?

This Bill in my opinion and that of the Rural Independent Group represents the thin edge of the wedge. It represents a slippery slope where boundaries and matters such as gender roles and general identification become, not so much clouded, but would allow for the opening of a basket of confusion for children to decide on how they may wish to be identified. The Bill would open the school system for exploitation of revolutionary education and not in a good way. It would remove the role or choice from parents and place children in a conundrum of exploration at too young an age. We all very much appreciate, as we got it from our parents and grandparents, an ordinary, fundamental and basic start in life. Each one of us learned and picked things up in an ordinary way.

Acting Chairman (Deputy Alan Farrell): I must interrupt the Deputy as his time is up.

Deputy Michael Collins: We are forever discussing issues in this Dáil that are never raised with me as issues in my constituency. When it comes to the education of our children, this

debate is a prime example of that. We are discussing this Bill instead of discussing the lack of special need assistants and teachers in our classrooms and how will schools fill their oil tanks. Schools have to face those challenges on a daily basis. I am on a school board of management and I know difficult it is to get funding to address these issues. We should be discussing how funding will be secured to fix a school roof where State funding has not been given. Instead, we waste our time discussing the Social Democrats' agenda seeking that young people and children can access sexual education. The Social Democrats similar to its sister party, the Labour Party, has gone on to attack religion in our schools with a whole load of blah blah blah, as similarly happened during COP26, where it is all talk and has no solutions.

Let me explain the role of the church in many schools. I have been on the board of management of my local school for many years. When that school in Schull catering for a growing population needed an extension and the State did not come up with the funds, the church stepped in and worked with the people of Schull to borrow the money required to build the extension and to build a very successful school. Those of us on the board of management sit around the table on a voluntary basis worrying that each child, regardless of whether they have religion, is treated with respect, whether we can afford to pay for oil to heat the school or whether we will have to fundraise to fix a door or a toilet. Those are the basics and that is what people want us to discuss. Those are the types of issues they ask me to discuss in here. They ask if a special needs assistant could be provided to help their child. The hatred of the church by so many here is disappointing, to say the least, but I will not be one of them. I pay tribute to every voluntary board of management member in religious-run schools and to every member of staff in these schools who work tirelessly for the good of the children they teach. When the Social Democrats want to bring forward a Bill again, I ask that they try to avoid showing their hatred for the church and focus on the real needs of the children in the schools and on the issues about which parents ring me and other Members every day of the week. My best advice to all of the Social Democrats is to sit on a board of management for a good few years, not just for a year or two, and make a decision on that. That would really educate them on what goes on in the real world in our schools.

Deputy Danny Healy-Rae: I am grateful to Deputy Gannon and the Social Democrats for giving us the opportunity to discuss this. Obviously, I do not agree with many parts of what the Deputy has said. He said that modern Ireland needs to stop using religion as a method to deliver relationship and sex education. The country, the parents and the children have been managing for decades and for generations without any direction that says religion should not be involved. I am proud to be a Catholic and will openly admit to it but I also respect every other religion, be it Muslim, Protestant or whatever, as well as those who have no religion. I respect each and every one of them.

The delivery of sex education, however, in the first instance must be given by parents. Parents have been doing this for generations and they are doing it today as well as ever. I realise that children are developing at a younger age. I am aware that parents know this also. Young people have their phones and access to computers and maybe they get a lot of bad direction from some of those sources. A parent knows when a child is developing and at what stage the child needs the education. I believe the parents are the first source. In the formative years, it is very important that parents recognise the need. They do that and they have been doing that. I do not believe that we need one line inside the schools telling children that they should not be of any religion, and maybe directing them in a certain way. That would be wrong.

I cannot support this Bill. Parents are the best people to know when children are developing

at a certain age and be with them in their formative years. They are the best ones to know. We must recognise our religion, or whatever religion it is, and we must respect other people who have other views.

Deputy Thomas Pringle: I will first make a point about some of the comments of the previous speakers. We had a debate in this House last night about the mother and baby homes and the treatment of women by the State. Yet, the same Members have come in today to talk about the need for a religious aspect in our schools. It is the exact same religious aspect in our schools that led to the mother and baby home situation in the State. The position that religion has held in the State has led to all of that. This Bill is about breaking that down, and it should be about breaking it down. It is vitally important.

I strongly support the Education (Health, Relationships and Sex Education) Bill to standardise sex education in schools that should be fact-based and completely free from religious influence. We currently have a school system that is geared around a religious ethos that, at best, caters to the religious beliefs of a portion of the school population. At worst, and in reality, it alienates a considerable proportion of those children and families who are non-practising or of a different faith. Non-denominational families and families of other faiths have always had to ensure that any religious education pertaining to their own faith system was received outside of school. Why is it that children of the Catholic faith cannot also receive their religious education in a similar manner, at home or within the structures of their church?

Some say that the presence of the Catholic ethos in public schools should not be seen as negative. This ignores the detrimental impact it can have on a person if he or she is forced, due to lack of alternative options, to learn and grow in an environment that places greater importance and emphasis on one particular faith. It creates a hierarchy and while those who are not in the minority may not intend that or feel it, this does not make it any less so. Perhaps, however, this is what is intended by the hierarchy to ensure that the hierarchy is there. It might be unspoken and it might not be necessary to have it spoken out, but it is always there and in place, and at the back of everything that happens.

The time has come to acknowledge that Ireland is a multicultural and multi-denominational State. Our strengths are found in our inclusion and our diversity. Removing the Catholic ethos from our schools does not stop families from encouraging and continuing with a valued theological education outside of shared school time. Removing the Catholic ethos from our schools will allow all children of all faiths to feel that faith is a personal aspect of a person, which should be treated with kindness, respect and equality. Unfortunately, I believe that the ethos of Catholic schools maintaining as it is, and management bodies of national schools staying within Catholic control, very often has a lot to do with parents not wanting to take the responsibility. The local parish priest takes the responsibility and controls the board of management, appoints people onto it, and they will manage everything. They manage recruitment of teachers and they manage the buildings and so on. The parents really do not have to have much involvement. They can send their children to school, they get an education and they do not have to have much involvement in the day-to-day running of the school. We need to get to a system where parents feel that they can get involved, have the time to do it and want to do it. Ultimately, this is what will break down the Catholic management of schools. It is true that the management of the school will be there in the background doing all of those things and as long as everything is going along grand, it will be fine for the parents but when there is a problem, this is when the Catholic ethos comes out. That is ultimately the real problem.

There is a growing and undeniable global problem of increased sexual abuse and assault occurring, not only in dark alleys at night, but online, within relationships and between members of shared communities. A large part of this is due to a lack of education on important issues such as seeking and understanding consent, and creating and respecting boundaries around bodily autonomy. Some Members today spoke about the importance of parents in sex education. Unfortunately, the main portal for sex education for children now is the Internet. That is where most children find their sex education and this is why we are in the situation we are in. Schools have to pick up and actually play a role in ensuring that it is done properly.

In addition to these issues, we have an ethos in this country which has told us, generation after generation, that sex is shameful. Women's bodies are heavily policed. The ongoing debate surrounding which body parts of a male presenting body can be posted on Instagram in comparison to a female body presenting, demonstrates the double standards here. Victim blaming occurs not only in our conversations but in our courts. The State-sanctioned atrocities within the mother and baby homes continue to remind us of how the State and the Catholic Church painted women who fell pregnant. The fact that a man was also involved is ignored. Sex carries a shame and that shame was and is laid upon the shoulders of Irish girls and women. If Ireland is to acknowledge and embrace a future that brims with multiple cultures, theologies and philosophies, it is imperative, that we remove the Catholic ethos as a barrier to such welcome diversity and equality.

It is also vital, in order to show a true understanding of the role of the State and the church in the systemic abuse carried out against our women and children, that the Government admits to the fact that painting sex as a shameful act leaves no scope for a meaningful understanding and education of what is, frankly, a natural part of adult life. Let us use this proposal as an opportunity to shed light on an area that is crying out for thoughtful education and attention. Sweeping issues under a rug or labelling them as taboo or shrouded in sin has not worked in the past and will certainly not work in the future. Why not place some trust and hope in future generations, that by providing fact-based, person-centred and empathetic sex education, we can help to develop a culture that is based on mutual respect, boundaries and care for one another? That is the very culture that threatens the ethos of the schools we are talking about.

Minister of State at the Department of Education (Deputy Josepha Madigan): I am sharing time with Deputy Carroll MacNeill, and I ask the Acting Chair to remind me to give her two minutes.

I thank all the Deputies for their contributions and I am grateful for the opportunity to speak during this debate on the Education (Health, Relationships and Sex Education) Bill 2021. Given that the Bill was only introduced in the House last week, it is important to state that there has been no opportunity for the Department to consider in detail the text of the provisions or to engage with the Office of the Attorney General. I am asking for that engagement to begin now.

I reiterate the Government's position that it is not opposing this Bill and supports bringing forward of legislation where it is needed in this area. I thank Deputy Gannon for raising this important issue. The Government's amendment seeks merely to provide an opportunity for the National Council for Curriculum and Assessment, NCCA, to bring its work to a conclusion and for consideration in that regard by the Department, with the support of others, to take place.

The Government is committed to providing students with access to factual, evidence-informed, scientific and objective relationships and sexuality education, RSE. This is reflected, as

the Deputy is aware, in the commitment in the programme for Government to develop inclusive and age-appropriate RSE and social, personal and health education, SPHE, curriculums across primary and post-primary levels, including an inclusive programme on LGBTI+ relationships and making appropriate legislative changes, if necessary. Importantly, schools are required to have a policy for RSE which has been developed in consultation with teachers, parents and guardians, members of boards of management and students. It is vital that schools teach all aspects of the RSE programme, and that includes providing crucial information on family planning, sexually transmitted infections, STIs, and sexual orientation. It is also important to note that ethos should never preclude learners from acquiring knowledge about these issues. Education is about empowerment. We do not advance empowerment by denying crucial information. Relationships and sexuality education concerning the issue of consent, for example, is a critical part of efforts to prevent future sexual assaults.

The Government is taking action to provide all this information and the NCCA review process is key to achieving this aim. As already mentioned, the NCCA's post-primary development group is currently formulating a revised specification for junior cycle SPHE. A draft specification will be issued for public consultation in 2022, and that will provide students, teachers, parents and wider civil society an opportunity to give their views. On receipt of that feedback, a revised specification will be finalised in 2022 and then rolled out in schools from September 2023. Following the implementation of the revised junior cycle SPHE specification, these specifications will be redeveloped at senior cycle and then at primary level. At all levels, teaching resources will be developed that will aim to equip teachers with the confidence, competence and skills to teach the curriculum effectively. While the SPHE curriculum overall is being redeveloped across all age groups, this will take time and there is an ongoing need to support schools in providing positive, inclusive and comprehensive RSE. To support this immediate need, the NCCA has been developing online guidance to support teaching and learning in SPHE and RSE and this toolkit is now published and available to teachers.

The amendment on timing that the Government has proposed will allow this ongoing work to be significantly advanced before this Bill is next before the House, and will provide a stronger platform for engagement on this important issue. This debate has ensured that Members have had an opportunity to have their views heard. We will now reflect on the important issues raised by all the Deputies here today.

Deputy Jennifer Carroll MacNeill: I thank the Minister of State for sharing time and Deputy Gannon for bringing forward this important Bill. Everything we are doing to have this conversation more openly and in this House contributes towards getting this work done quickly. I have raised this issue at least 12 times here since June 2020. The Minister of State is aware of the campaign of sort of low-grade harassment almost that I have engaged in with her in respect of letters, parliamentary questions and requests for further information in this regard. It is all motivated by a desire to have an education programme which reflects the settled law of the land on equality, including marriage equality and same-sex relationships, and one that reflects the settled policy of the Government in respect of education about consent, domestic violence and sexual and gender-based violence. In that regard, the Department of Justice is to bring out the third national strategy on domestic, sexual and gender-based violence in the early part of next year as well. Everything we are talking about in the context of those Government policies must be incorporated in the education programmes rolled out by the Department of Education to our children aged from five to 18. It must be done in an age-appropriate, fact-based, objective and inclusive way that highlights dignity and respect in relationships, consent, personhood and

boundaries and that does so using fact-based detail.

Turning to another aspect of this issue, I spoke to a parent and child from two different schools in my constituency last week. A doctor was brought into one school to provide information on contraception, sexually-transmitted diseases and the practicalities of protecting young people as they grow up and go through the different stages of life. Meanwhile, the child in the other school got a video. That type of randomness is just too prevalent and cannot continue, and that is why this programme needs to be developed.

I have focused on this issue regardless of religious or secular aspects in this context. I do not think such differentiation helps or contributes to the debate. I am just talking about the provision of information for young people and getting this work done. We do not need to have an argument about science versus values. The values in question here are the values of the State, and those that are already settled law and Government policy. Therefore, there does not need to be a debate on that aspect. I have repeatedly questioned the Department about the scale of consultation that it feels it must go back out to undertake, given that these matters are already well-settled policies in the Constitution, all aspects of Government policy and education and in all that we talk about in all our committees, including those dealing with education, justice, children, Government strategies and the Constitution. There should not, therefore, be a need for endless consultation on this issue.

Equally, we do not need to turn this subject into a culture war about religion versus no religion, secular versus no secularism or atheist versus believer. I am an atheist. I do not have religious beliefs, but I respect every religion in this State, as I respect every person and the values that he or she holds. However, the law of the State comes first. The ethos we are talking about is that which is settled in our Constitution, the decisions of this House and the strategies published by the Government, and what we try to achieve in that regard. I do not believe that the arguments regarding religion and secularism are helpful or that they will get us to a point where we are delivering the sort of education that we need to.

I am focused on the practical details in this regard, such as the where, the when, the what and the how. One thing that concerns me, however, and I just realised when I was listening to the speech from the Minister for Education, Deputy Foley, this morning, is that despite the work having begun in 2018, and there being two programmes of work under way contemporaneously concerning the primary and junior and senior cycles, and there having been monthly meetings since those groups were convened in October 2020, is that the junior cycle is more developed in respect of the curriculum. It is the programme that is going out for consultation and it is the one we can expect to see developed and brought into schools in September 2023. I remember asking in June 2020 for this programme to be in our schools by September 2021. A junior cycle programme, then, may begin in September 2023, but where is the senior cycle? Where is the primary cycle?

Are these elements being developed contemporaneously, as I believe they should automatically be? Why would they not be? Are they being developed consecutively? I hope the Minister might clarify that aspect. I will write to her to ask that specific question. A Department official is here and he may be able to clarify this point for me after this debate. It would be a concern, however, if these processes are working consecutively instead of contemporaneously. I do not see why that would be necessary. This work was started by the then Minister, Deputy Richard Bruton, in 2018 to develop a completely different relationship and sexual education programme that reflected the settled law of the State and the educational needs of our young

people and to take randomness out of it and to ensure that everybody was getting the same education. Therefore, I hope that this will be the approach right across the board in the Department and that we could expect that age-appropriate, fact-based, inclusive education – and we can say this often enough – would be delivered for all children from September 2023, if that is the date.

I hear the arguments being made about nine months and the parliamentary technicalities of dealing with Bills and amendments, etc. I would hope, though, that does not need to become divisive, because what we are talking about is just getting the programme done. Irrespective of who delivers it or how it is delivered, I would like to see a programme for all children aged from five to 18 that takes the randomness out of this type of education and that delivers an education in this area which will help to break the cycle we have seen again and again of sexual and gender-based violence, discrimination and exclusion. We must have a programme that helps to produce the opposite outcome, and we need that for all the children of the State from 2023, if that is the date.

Deputy Gary Gannon: I thank all the contributors. It has been worthwhile and interesting to hear the various perspectives across the Chamber. I am going to use my time to respond to some of the issues raised in the debate. The first concerns the Government amendment that requires nine months of additional time. On the surface, I accept that it seems perfectly reasonable to give the NCCA nine months to conclude its work but it began its work in 2018. In 2019, it produced a report that stated:

[B]y and large, young people view the RSE they are receiving as inadequate or at best partially meeting their needs. Overall, students expressed frustration about disparities in the content and quality of provision and the absence of a consistent and comprehensive approach to teaching RSE ...

The work on the report, which began in 2018, has spanned the terms of three Ministers. Each one seems to have had a different interpretation of how the report's recommendations would be enacted. Former Minister, Deputy Richard Bruton, held the view that the ethos would be removed, former Minister, Deputy Joe McHugh, seemed to suggest the ethos would be protected, and the current Minister, Deputy Foley, said the ethos will not dictate how RSE will be taught in schools. This is why it is essential that we standardise RSE in legislation to complement the work of the NCCA. I fully appreciate that the work is ongoing, but it has taken too long. It does not matter what a further nine months means to me but to a teacher of the LG-BTQI+ persuasion, it will mean having to continue to teach that the manner in which they love is subordinate. A student in the same school who may be struggling with his or her sexuality or come from a family that is different from the traditional nuclear family subscribed to in some of the church teachings that are being offered will still be told he or she is somehow different or lesser. Nine months is another school year. It will mean another group of students will have to be told the manner in which they love or understand love is lesser. This is before the legislation even proceeds to Committee Stage. Therefore, let us not act as if the process will be expedited after nine months. It will not.

We already have a majority in this House who believe that what we put into this Bill is appropriate and suited to meeting the relevant needs and that the Bill could be progressed, yet we are kicking the can further down the road. I fully appreciate what was done by People Before Profit and the former Socialist Party when Ruth Coppinger introduced a similar, albeit slightly different, Bill in 2019. The outcome was the same as today: the Bill's sponsors were told their Bill would be delayed and that there would be a review. Then there was a money message.

Four years later, we are in the same ridiculous scenario. In a modern republic, we have religious influence in the teaching of RSE to young people in our schools. It is abhorrent, and that is why there needs to be a degree of urgency. In the absence of urgency, we just get the same old, same old, which means people are told they are lesser because of the manner in which they love. Fundamentally, that is what it comes down to.

I have heard some suggest that legislation should not dictate the curriculum. I fully agree. We in the Social Democrats, through our Bill, are not dictating the curriculum. We are asking for the curriculum to be standardised so every student in a publicly funded school will have access to the same information, dictated by science and health considerations. That is all we are asking for. If Second Stage is completed today, all that will happen is that the Bill will proceed to Committee Stage. The committee will scrutinise it. Very worthwhile suggestions, such as those made on consent and what constitutes healthy and unhealthy relationships, would be made on Committee Stage. It would take time to scrutinise the Bill and for it to be regarded not as a Social Democrats Bill but as a Bill subject to engagement from across the political spectrum. Most people, with a couple of exceptions, seem to believe that what we have at present is entirely unfit for purpose in a modern republic.

I strongly encourage the Minister and the Department to advance the Bill to Committee Stage. That Stage will take considerable time, and it will mean the Bill will be scrutinised and teased out. It will complement the work of the NCCA. It will not distort it in any shape or form.

One reason we introduced this Bill last week and are taking Second Stage now is that there is urgency. When we introduced the Bill last week, I was inundated with communications, by email, social media and telephone, raising the absence of appropriate RSE in schools and how this has affected them and their children in various ways, and how it means they must exclude their children from classrooms in which they are told puberty is a gift from God. In programmes such as Flourish, every session ends with a prayer of reflection. We wonder how that is suitable. That is why there is urgency. I regard the Bill as urgent because this is happening in our classrooms already and will continue to happen. Advancing the Bill to Committee Stage will not in any way distract from the work of the NCCA. It would complement that work substantially.

I have always believed, and surely we have to believe, that our young people have a right to facts. That is a simple statement, and I will repeat it: our young people have a right to facts that are health and science led. To anyone with a different view, particularly Deputy Tóibín, I say that facts do not have an ethos. Science does not have an ethos. Our children, our young people, have a right to facts and to be given an evidence-led, facts-based education that does not discriminate against them and their families, or the manner in which they love.

There have been some suggestions in this Chamber that my party, the Social Democrats, is in some way anti-Catholic. Let me address that head-on. I grew up in an inner-city community where people had faith. Many people still have faith. They have found comfort in churches at times of loss and struggle. I am not anti-Catholic; I am against a system of control and systematic abuse. I am against a system that abused people in this country for decades and that led to the mother and baby homes, the Magdalen laundries, and a scenario in which people were told contraception, divorce and IVF were wrong and that loving a person of the same sex as oneself was wrong. That is what I am opposed to. The same people who inflicted that thinking on Irish society for more than a century have absolutely no right to engage in RSE in schools and to talk to our children, our young people, about the manner in which they love. They lost their

legitimacy a long time ago. I fully respect people of faith and abhor the suggestion from across the Chamber that I may not do so. It is not that I do not respect faith; it is that we want science to dictate how our children are given facts. We want their education to be in keeping with compassion and dignity so they will be equipped to enter adulthood, to understand consent and healthy relationships, and to understand that they are special regardless of the manner in which they love. That is why we believe there is urgency and why another nine months of delay and kicking the can down the road will mean another school year gone and another conveyor belt of children who are told they are lesser and teachers who have to feel bad about themselves in the staff room because they must deliver a programme that has made their love feel subordinate. That is abhorrent.

The Social Democrats and others across the Chamber, including the Labour Party, Sinn Féin and the Independents, have all decided we are going to push this matter to a vote tonight. If the Members on the Government side want to delay, it will be on them for another nine months. They should know, however, that as they delay, it will mean another year of students and teachers being told they are lesser. All we are asking for in a modern 21st-century republic is that young people be given access to facts. We should start the process now. The NCCA has had four years to deliver a programme. I understand it is important work that may take time but, in parallel with that, let us bring this Bill to Committee Stage. Let all of us across the Chamber tear it apart, build it up again and make it stronger. Let us bring our values, whatever they may be, to it and advance it at the same time because we cannot delay any longer. People are being hurt and affected, and they are being told they are lesser in our schools. We should not stand for that.

12 o'clock

Amendment put.

An Leas-Cheann Comhairle: A vote has been called and in accordance with Standing Order 80(2), the division is postponed until the weekly division time today.

Ceisteanna ó Cheannairí - Leaders' Questions

An Leas-Cheann Comhairle: Before we proceed with Leader's Questions, I am obliged to read out a health and safety note. Members and all in attendance are asked to exercise personal responsibility in respect of protecting themselves and others from the risk of contracting Covid-19. Members are strongly advised to practice good hygiene and observe the chequer board seating arrangement. They should also maintain an appropriate level of social distancing during and after the sitting. Masks, preferably of a medical grade, should be worn at all times during the sitting, except when speaking. I ask for Members full co-operation in this regard.

Deputy Mary Lou McDonald: As we speak, hundreds of truckers and hauliers are protesting outside the gates of the Dáil because they are being absolutely crucified. These are small and family businesses that are already put to the pin of their collar with rip-off insurance costs, extortionate utility bills and the domestic cost of living and sky-rocketing increases in fuel costs are the final straw for many. Hauliers are essential workers who played a huge part in keeping the show on the road during the Covid emergency. Their protest today is a reaction to the esca-

lating cost of energy and the fuel crisis. The Government needs to show up for them now with an alleviation package that includes an overhaul of the diesel rebate scheme to make it really work for this sector.

People are under real, unbearable and ever-increasing pressure. Since last year the price of electricity is up by 16%, gas is up by 23% and home heating oil by an incredible 71%. How on earth can any family be expected to afford to heat their home with jumps like these? People are overwhelmed but the Government sits on its hands. Indeed, the Government has come along with a hike in carbon taxes which will undoubtedly make things even worse for families and businesses, including those who are demonstrating today. The carbon tax hike needs to be scrapped because it is the wrong move at the wrong time. The truth is that households face a real emergency in heating and lighting their homes and running their vehicles. The weather is getting colder and it is getting darker. Thousands of workers have now been told to work from home so people will have their heating and lighting on earlier and for longer and their bills, consequently, will go up even further. We know that workers and families have been through a very tough 18 months. Many were just getting back on their feet and just about coping. Christmas is a happy time but it is also a very expensive time of the year. People do not need the added stress of enormous energy bills landing through the door in December, January and February. The cost of staying warm is also incredibly stressful for our older people, for whom the cold weather can be especially dangerous. The increase in the fuel allowance simply will not bridge the gap and much more needs to be done.

We know that there are international factors at play in all of this and that big energy companies have passed the extraordinary global price increases on to customers. However, the Government must respond with ideas and actions to alleviate the pressure on families and businesses. Tá billí fuinnimh ag imeacht as smacht. Tá daoine agus gnóthaí faoi bhrú. Tá briseadh iomlán ag teastáil uathu. Iarraim ar an Rialtas an VAT ar bhillí fuinnimh a tharscaoileadh ar feadh trí mhí. There are things that can be done. Recently I asked the Taoiseach to engage with the European Commission and to temporarily waive VAT on energy bills for a period of three months but he refused to answer me on that occasion. I put it to him again that this is a common sense intervention that would make a real difference. It is something that has already been implemented by others in the EU seeking to protect their people from current energy hikes. Will the Taoiseach waive the VAT on energy bills for three months and give workers and families a real break?

The Taoiseach: First, energy price increases are almost totally driven by global price rises which are being felt in Europe and across the world. The rebounding of international economies has led to supply chain constraints and real pressure on gas and oil prices. That is the fundamental driver here. It is a global phenomenon and is not unique to Ireland in any shape or form.

There is a diesel rebate scheme in operation which was introduced in 2013. It offers a partial excise refund to qualifying operators when the retail price of autodiesel is relatively high. It kicks in at the pumps at around €1.23 per litre, increasing gradually to a maximum rebate of 7.5 cent when diesel reaches €1.43 per litre. In budget 2022, in light of the challenges arising from Brexit and uncertainty facing the industry, the marginal rate of compensation at prices over €1.32 was doubled up to the maximum rate of 7.5 cent per litre. That is being maintained. The Government and the Department is in constant contact with the Irish Truckers and Haulage Association and the industry relative to broader issues pertaining to the industry, including a new strategy, the requirements for the sector going forward in terms of skills, for example, and the

energy prices issue. The latter is a serious issue across the board and there is no denying that. As I said, it is a global phenomenon arising from the price of raw materials, exchange rates, taxation and so on.

The carbon tax is a very small part of what is going on at the moment in terms of the global phenomenon. It is lacking in balance to throw that into the mix and to suggest that it is the main reason for the significant increase in energy prices across Europe. The carbon tax is part of the climate change agenda and while it is not popular to do things like that, it is the right thing to do for the future of younger generations in this country in terms of dealing with climate change along with a whole range of other issues. Everyone wants to pull decision making in relation to climate change and everyone, including Deputy McDonald, wants to keep deferring decisions that the very best of advice is suggesting are necessary-----

Deputy Mary Lou McDonald: No, I do not want to defer anything. On the contrary-----

The Taoiseach: The popular thing to do is to defer because then one will not create any waves but it is not right thing to do for the future of the planet and its people. We need to protect people from rising energy prices and the carbon tax will help us to develop, for example, a really comprehensive retrofitting programme, which is ultimately the best way to reduce energy costs. A lot is happening in terms of retrofitting homes but we will have to do an awful lot more in the future in that regard.

On the VAT issue, as I said yesterday, Deputy McDonald keeps coming up with solutions that do not match what is possible but which sound good and would be popular. She came up with the idea of a zero VAT rate a couple of weeks ago but that simply cannot be done. Ireland is one of only a few EU countries that, by way of a special derogation from the general EU rules, already applies a reduced rate of VAT of 13.5% to energy prices. Under EU rules, reduced rates of VAT must be between 5% and 15% so the zero rate proposed by Deputy McDonald is not possible. Deputy McDonald keeps saying it but I am informed and advised that it is not possible.

Deputy Mary Lou McDonald: Who informed the Taoiseach? Was it the Commission?

The Taoiseach: Under EU rules, our reduced VAT rate of 13.5% on energy prices cannot be reduced below 12%. If we were to attempt to reduce the rate to 9%, for example, for a few months, the VAT would revert to the standard rate of 23% because we would be opting out of the derogation we currently have. Again, the Deputy needs to put forward proposals that are credible and that can actually be delivered.

Deputy Mary Lou McDonald: I have put forward two propositions to the Taoiseach. First, the carbon tax will have the effect of increasing people's bills. That is a matter of fact. I have also advanced the proposition of waiving VAT on a temporary basis for three months. The Taoiseach has knocked both of those back.

We are all well aware that the energy crisis is global. I am not laying that at the Taoiseach's feet, but it is his responsibility as Taoiseach and that of the Government to respond to the crisis for households and businesses. For example, Lorraine from the Taoiseach's neck of the woods in Cork sent me her bills. She sent me a bill from May 2021 and one from October 2021 for heating her home and in that time her bill has jumped €100. What is the Government doing for Lorraine today and coming into the winter? She has a house full of kids, three or four of them to raise, and they are struggling. There are families like that right across the State. What is the

Taoiseach doing for those families, never mind his view on me or what I have to say? He is the Taoiseach. What is he going to do? Has he spoken to the Commission about the VAT option?

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Mary Lou McDonald: Has he explored that fully? Has he put it to the Commission that he wishes to do that? If my ideas are not runners, what are the Taoiseach's ideas? What is he doing for families and businesses now?

The Taoiseach: We all have a duty in here to be honest with people and not to put forward ideas or proposals that do not have any credibility attached to them and cannot be done.

Deputy Mary Lou McDonald: Did the Taoiseach speak to the Commission?

The Taoiseach: That is more of the politics-----

Deputy Mary Lou McDonald: Did the Taoiseach speak to the Commission?

The Taoiseach: Yes, we have been engaged on the matter.

Deputy Mary Lou McDonald: When did he have the discussion?

The Taoiseach: We have had a discussion across Europe. I want to make the point – if I could do so without interruption, as is a consistent habit of the Deputy opposite-----

Deputy Mary Lou McDonald: I am sorry. I interrupted the Taoiseach because-----

The Taoiseach: I want to make the point that we understand fully the pressures on households. The carbon tax does not apply to electricity bills. That is a separate issue. We are monitoring the situation in terms of household pressures. We did increase the fuel allowance. We did provide taxation measures in the budget to try to help people cope with the costs. The costs are global and are driven by world events-----

Deputy Mary Lou McDonald: Lorraine is in Cork. She is not-----

The Taoiseach: -----in terms of the response to Covid. We are going to see what we can do.

Deputy Mary Lou McDonald: What is the Taoiseach going to do for her?

The Taoiseach: Our main focus is not to try to come up with false ideas that would never carry, but rather to ask how we can get household bills down in the short term. That is where the Government's focus is. That is why we have used receipts from carbon tax to significantly increase the fuel allowance and increase the numbers of people who will be eligible for the fuel allowance, all to protect people who need protection.

An Leas-Cheann Comhairle: We are over time.

The Taoiseach: That is what we intend to do.

Deputy Mary Lou McDonald: That is far too little.

An Leas-Cheann Comhairle: I ask that we could move on, with a little co-operation.

Deputy Róisín Shortall: The Government's approach to antigen testing is just not good

enough. In the midst of a fourth wave of the virus, after two years, the health service is clearly under enormous ongoing pressure. The Government tells us our best weapon to stem this surge is personal responsibility. People are trying. Most of them are doing their best. Why is the Government not giving them the basic tools they need to win this fight? There are too many missed opportunities and mixed messages to even mention. Why has the Government yet to roll out a system of subsidised antigen testing? We were all under the impression that the Cabinet would agree a scheme yesterday but, incredibly, it has been reported that the Cabinet did not even discuss Covid yesterday. The biggest threat the country is facing did not even get a mention. Last night, the Tánaiste, Deputy Varadkar, said a scheme for subsidised antigen testing may not be brought to Cabinet until next week. The lack of urgency and failure to respond at speed to a rapidly escalating emergency is truly shocking, or at least it should be shocking.

The CEO of the Irish Pharmacy Union, IPU, Darragh O'Loughlin, shed some light on this delay on "The Tonight Show" last night. He said it was very difficult for the IPU and the HSE to put a plan in place to roll out antigen testing when the Government has not made decisions about what it wants to do. Nobody knows when exactly or to what extent the Government will be subsidising the tests because, he said, that decision just has not been made. It is standard in any negotiation for each side to know what it wants and what it is negotiating for, yet according to Mr. O'Loughlin, the Government has not the foggiest idea what kind of subsidy scheme it wants to put in place.

This is a mess. We know antigen testing is not a silver bullet, but it is a vital tool in this fight, one that many people simply cannot afford to use currently. There is a strong case for antigen tests to be free. Will the Taoiseach stop the wrangling about subsidies and just get the tests out to people so they can use them as required and in line with public health advice? Why is the Irish Pharmacy Union in the dark about what the Government wants them to do? What kind of subsidy is the Government prepared to put in place? When will it be available and why is the Government so slow to respond when we all know that speed is of the essence?

The Taoiseach: First, I take the opportunity to thank the Irish people for responding to the current situation. All of the research is indicating, in particular in the past week or two following our announcement, that people are adjusting their behaviour significantly, which is ultimately the way to reduce the current pressure on hospitals and in regard to Covid-19. I watched what the WHO had to say in terms of the overarching issues. Every week, there is a magic bullet somewhere that people keep raising, but fundamentally we are dealing with a very transmissible Delta variant. We have reopened society and the economy to levels that we have not witnessed since the beginning of the pandemic. There is a winter seasonality issue as we move indoors all across Europe. The WHO is predicting well over 500,000 deaths across Europe. We want to protect life and limb. There is a range of other issues that Dr. Butler of the WHO has indicated. He said the booster campaign should focus on the immunocompromised, the elderly and those working in healthcare. We are making very good progress now on all of those key target groups – the over-80s, residents in long-term care facilities, the immunocompromised and the over-70s. There has been a dramatic administration of boosters to approximately 630,000 people.

Antigen testing is an important supplementary tool, which I believe in. It has been rolled out much more significantly in the past six months than in any previous period of the pandemic. As Deputy Shortall is aware, every close contact is given free antigen tests. They are sent out to people. Approximately 3,000 antigen tests are given out to close contacts per day. In the agriculture sector alone, 101,000 rapid antigen tests have been done. In higher education, close

to 25,000 antigen tests have been used in a pilot project. The HSE has also run pilot projects in the early learning and care sector. There has been a much broader use of antigen testing generally and free antigen testing will start in schools on Monday for classroom pods where cases are identified. The expert group recognised that there should be a subsidised model. There has been advice from the Chief Medical Officer, CMO, who has advised caution on how that is rolled out.

The Deputy raised the Irish Pharmacy Union. It has an interest in the matter from a number of perspectives. We want to work with as broad a range of stakeholders as possible to get a distribution of antigen tests for routine testing and to reduce the costs for people. That must be in parallel with constant, consistent communication on the proper use of antigen testing.

Deputy Róisín Shortall: The Taoiseach really did not shed much light in that response. Two weeks ago, the CMO advised that anybody engaging in so-called high-risk activities, most of which simply involve going out or meeting with other people, should do an antigen test twice a week. That was the most recent advice - that if people are out and about and mixing, they should do an antigen test twice a week. Antigen tests are very expensive. The Minister for Health said initially that it was his intention to make antigen tests available free of charge. The Taoiseach said more recently that there would be a subsidy scheme. When will the Government decide on the subsidy scheme? There is a real urgency about this. We are in the midst of an emergency. People want to use all the tools available to them. The Government must support them to do that. It is not only about personal responsibility, but also ensuring that the Government plays its part as well. When are we going to get a decision at least on subsidised antigen testing? Do we have to wait another week? Why can the Government not inform people this week?

The Taoiseach: First, I would say that, yes, we have to support people and we are, right across the board, in terms of Covid-19 and in terms of very significant expansion of the PCR testing, for example, with 210,000 tests in the last week.

Deputy Róisín Shortall: And antigen testing.

The Taoiseach: It is all part of it. There is no silver bullet, and that is the point I am making.

Deputy Róisín Shortall: I did not say there was.

The Taoiseach: There tends to be every week, and that is the point I would make. As I said, there has been a significant expansion of the use of antigen tests, given out freely by the Government. At the end of Friday, 19 November, for example, about 61,000 fully vaccinated asymptomatic close contacts were registered for the delivery of free antigen kits, 100,000 were used by the Department of Agriculture, Food and the Marine, and so forth.

Deputy Róisín Shortall: Will there be a scheme?

The Taoiseach: There is a scheme being developed but we have to get best value as well for the public purse. It is important that we just do not dive into it.

Deputy Róisín Shortall: When will we hear?

The Taoiseach: That will happen and we will bring the details to the Deputy. It is our intention to do that, we have indicated that and we will do that.

Deputy Róisín Shortall: When can people purchase-----

The Taoiseach: I would again say, standing back from this, that the fundamental variables that will really change this are actually reducing socialisation, which people are doing, and the booster campaign, which is going to have an impact in terms of the prevalence and continuation of the disease. That is the key approach to this, in my view.

Deputy Richard Boyd Barrett: I have lost count of how many times I have raised the issue of reviewing the income thresholds for eligibility for social housing over the last four or five years. Whether it is the last Government or this Government, the stock response is that “it is under review” or “the review will be completed shortly”, and we have been told that for four or five years now. Of course, the result, let us be clear, is that thousands of people every year who go over the income threshold, who do not have the income to pay for the massively inflated rents and house prices, are thrown off the list and cannot afford to get anything through their own resources. The failure of successive Governments, including the Taoiseach’s, to address this has reached absolutely unbelievable, incredible proportions.

This is an email I got this Monday:

Hi Richard,

I just received this email from [a local authority - we can guess which one] requesting that I move out of homeless accommodation that I am in. There is weeks to Christmas and that is what I have just received. I’m so upset and stressed by this now. How can they make me homeless from homeless accommodation?

That is the second case I have been dealing with. I brought one other to the attention of the Minister and he is looking into it, in fairness, but this is an unbelievable situation. The woman in question is the mother of a young child. She is a care worker, working, actually, in a State agency where they desperately need people to work because they are chronically understaffed but, because she did additional work for this chronically understaffed State agency working with vulnerable children, she is now off the housing list.

The letter from the local authority is brilliant:

Dear [I will not mention her name]

I am contacting you in relation to your temporary agency homeless placement at [I will delete the reference]. Homeless services have been made aware by housing allocations that you do not qualify for social housing support as your application has been deemed over the income limit. You must make arrangements to move on from emergency accommodation with your own resources.

This is just beyond belief. People are now not just homeless; they are punished for working and trying to improve their situation and get themselves out of that situation, but where they still clearly do not have their own resources to pay the rents - which in my area are an average of €24,000 to €26,000 a year of after-tax income - they are out of homeless accommodation in the teeth of Christmas. This is happening around the country. It is partially worsened by a change in the calculation method by the statutory instrument in March of this year, which based it on average income of the previous year, but also because of the failure to lift the income threshold. What is the Taoiseach going to do about this?

The Taoiseach: I believe the income thresholds in terms of eligibility for social housing should be increased. As part of Housing for All, that is being examined, along with other issues pertaining to social housing as well, because the Government has a very large social housing programme under its remit. We want to build record numbers of social houses through the approved housing bodies and direct builds from local authorities every year for the next ten years, particularly in the first five years, from this year onwards.

We have provided significant resources to deal with homelessness. I would say to the authorities and those involved on the ground to use common sense and practicality. If somebody is homeless, we do not say they are no longer available for our services. That is the first point I would make. I know the Deputy raised a case yesterday and I asked that he might give that to the Minister. I will engage with the Minister on this. Practice should be informed by the spirit with which we approach homelessness overall, which is to ensure that families in particular and people generally are not without a roof, particularly in winter time.

The Housing First strategy, for example, has proved to be an enormous success. To be fair to the NGOs - the Simon Communities, Focus Ireland and others - which came forward with that idea, learning from what was going on across Europe and globally, it has been a spectacular success in terms of the number of homeless who avail of the Housing First programme and who are still in housing. It is working, so we want to roll that out.

If someone who is homeless gets a job, for example, there has to be an interregnum or a period there. We should facilitate the person coming out of homelessness basically, and that would be my approach.

Across the board, the Minister has taken measures this winter in terms of homelessness. In the winter 2021 Dublin rough sleeper count, for example, there has been a fall in numbers this year so far of about 25% from the spring 2021 count, and a reduction of 45 individuals when compared with last winter.

The Deputy's fundamental point is around the income thresholds. I think they should be increased but there is a review going on, not just of the income thresholds, to be fair, because we have to have a sustainable social housing programme right through the next decade. One thing we want to do in this Government, something I was committed to before I come into government, is directly build far more social houses than we have done in the past, and affordable houses as well. I am glad Dublin City Council has agreed a plan for Oscar Traynor Road, for example, and the 853 houses will make a big difference to the issues we are talking about.

Deputy Richard Boyd Barrett: First, will the Taoiseach give me a commitment that homeless families will not be evicted from homeless accommodation because they get a job and try to earn a bit of extra income? Will he give me that commitment now and issue that instruction to local authorities?

Second, can I just point out that if they had been housed as they should be, or even got a HAP tenancy, they would not be evicted and their rent would rise with their income. People do not get evicted from a council house because of their income, but if they are homeless, they get removed from the list and evicted from the homeless accommodation because they have increased their income. It is beyond belief. Urgent action needs to be taken.

Why has the review not been completed? The Taoiseach knows and I know, and it is hidden in what he said. The Department is terrified that if it raises the thresholds, more people will be

eligible for social housing and then the numbers on the list will rise, which will not look terribly good for the Department. That is not acceptable. Once upon a time, ordinary working people of moderate and medium incomes, or even slightly higher incomes, were able to go into social housing, and there was nothing wrong with it. This will end up with social housing apartheid because the Department does not want to let people on the list in order to massage the figures.

The Taoiseach: I have no interest in that kind of carry-on - none - because this gets produced or this gets produced. The bottom line is that I want to get people housed. That is all I am interested in. I have said to the Deputy that I believe it should be increased. I do not think the Department is either, to be honest with the Deputy.

Deputy Richard Boyd Barrett: Why is there not a-----

The Taoiseach: What we are interested in is getting houses built. Some 1,200 new tenancies for homeless people have happened already in terms of the Housing First strategy. These are people who had a history of rough sleeping and who needed additional supports. The Minister, to be fair to him, has kept a weekly oversight of the homeless strategy. Real progress is being made in regard to it and we will continue to keep that focus. Also, in terms of making sure that where people who are genuinely homeless right now and their circumstances-----

Deputy Richard Boyd Barrett: They will not be evicted from homeless accommodation.

The Taoiseach: They should not be evicted from homeless accommodation.

Deputy Richard Boyd Barrett: The Taoiseach should make a commitment on that.

The Taoiseach: I have made that statement and that is my strong view. We have a lot more to do but if we want to get rid of the scourge of homelessness, all of us in this House need to give up opposing schemes left, right and centre for the sake of it.

Deputy Joan Collins: It is *déjà vu*.

The Taoiseach: Parties in this House have been opposing a project where 850 houses could be provided.

Deputy Aengus Ó Snodaigh: The Taoiseach's party included.

The Taoiseach: Opposition parties opposed 850 houses being built.

Deputy Richard Boyd Barrett: These people would not be able to afford those houses.

The Taoiseach: That is wrong. That project should not be opposed.

Deputy Aengus Ó Snodaigh: It is not wrong if it is not appropriate housing.

The Taoiseach: For how much longer will we stop houses being built in the country?

Deputy Aengus Ó Snodaigh: There is enough land zoned for housing in this country, and appropriate housing at that.

The Taoiseach: Some 850 houses would be built there.

Deputy Michael McGrath: The Opposition does not want them to be built. The Opposition does not want the problem to be solved.

An Leas-Cheann Comhairle: I ask Deputies to show a little respect for Leaders' Questions. If they like, I will leave the seat vacant, or we could proceed with a little respect.

Deputy Michael Lowry: Earlier this year, the Alliance for Insurance Reform made a presentation to the Department of Finance which outlined that as many as 35 sectors were either struggling to get insurance or could not obtain insurance at all. That list continues to grow. Throughout the summer months, numerous businesses offering a myriad of activity to all ages were forced to close. They had either completely failed to get insurance or the cost was such that it made no economic sense for them to continue.

The most recent casualty of the prohibitive cost of insurance is the horse sport sector. While the outside impression of horse sport might not garner the same level of public support as crèches, children's activities and playgrounds, its demise should not be determined by money-grabbing insurance companies. The horse sports sector is a vast industry overall. Horse sport is a major employer in rural Ireland and an intrinsic part of the fabric of Irish life. A 2014 study carried out by University College Dublin, UCD, found that the Irish horse sport industry contributed in excess of €708 million to the economy each year and provided the equivalent of 12,500 full-time jobs. National hunt horses, by definition, emerge from the hunting field. So too do most national hunt jockeys and many showjumpers, event riders and others.

Insurance companies are stating that due to the number of claims being made, no commercial underwriters are willing to renew liability insurance to cover hunts in Ireland. Failure to provide liability insurance for hunts means landowners cannot allow hunting to take place over their land. No access to land means no hunting. Commercial insurance companies have come to the conclusion that liability insurance for risk-taking sports is a no-win game for them. This is because of the way liability claims are handled in the Irish legal system. While hunting is one of the first horse sport pursuits to be affected, it will not be the last. Removing access to riding facilities, be they hunting facilities, riding schools, pony clubs or tracking trails, will inevitably undermine the resources and knowledge base of the equine world in Ireland.

The impact of this development is not linked to the hobby world. In recent weeks, it has resulted in the loss of insurance cover to the hunts that hold point-to-point meetings in Tipperary and across the country. Point-to-point racing is a product of hunting and is organised by the individual hunts. Without the hunts in Ireland, there will be no point-to-point meetings. Without point-to-point racing, there is no national hunt racing. The result will be that a major Irish agricultural industry involving the breeding, training and racing of national hunt horses will effectively disappear. Can the Government facilitate a short-term solution to this via the commercial insurance market and implement a long-term solution by means of an amendment to the liability legislation?

The Taoiseach: The Deputy has raised an important issue. Other Deputies have raised it in the context of the broad cost of insurance and the need to get it down across the board. The Deputy has specifically raised it in the context of the equine industry, particularly in terms of insurance for equestrian activities. As he pointed out, up to 14,000 jobs are created in the horse sport sector, predominantly in rural Ireland, according to an economic study carried out in UCD. The importance of that leisure sector to rural Ireland cannot be understated because real jobs and a whole ecosystem emanate from that in terms of the leisure sector, competition, sports horse breeding and so forth.

We are aware that high-risk activity sectors, including equestrian pursuits, are experiencing

issues around accessibility and affordability of insurance. The latest national claims information database report shows that the public liability market in Ireland has been loss-making for several years and therefore has been unattractive to insurers. In addition, large insurance claims arising from incidents have an effect on premium prices across specific sectors. However, following recent intensive engagements with the insurance industry, I understand from the Department of Finance that some providers are considering the possibility of entering the equestrian sector. The Minister of State, Deputy Fleming, is available for consultations on this, given his responsibility for the broader area of insurance. I suggest that an engagement with him could further elaborate on that point.

The Department of Justice has recently completed a review of the Occupiers' Liability Act 1995, including the duty of care, notice and waivers, and the Minister for Justice has noted the Government's intention to bring forward legislative proposals to reform the law in this area. The planned rebalancing of the duty of care, with a view to applying a common sense approach to risk, is of particular relevance to equestrian activities as it will help to address so called slips, trips and falls. The introduction of the new personal injury guidelines set reduced levels for personal injury compensation awards in Ireland and changed the amounts of general damages to be awarded by the courts and the Personal Injuries Assessment Board, PIAB. Early data from PIAB demonstrated that award levels have declined by an average of 40%.

Insurance reform continues to be a major item of government. A sub-committee of Cabinet deals specifically across different Departments, and exclusively, with the issue of insurance. The office to promote competition in the insurance market has been established and is chaired by the Minister of State, Deputy Fleming. Its objective is to assist in reducing insurance costs and increasing the availability of cover by promoting competition in the insurance market.

Deputy Michael Lowry: A wider solution to the issue of liability claims awarded by the Irish courts is needed in the long term. I notice that recent measures have resulted in reports that insurance payouts have reduced by 40%, yet the insurance companies remain staunchly rigid when determining risk. As a direct result of lack of insurance cover, horse sports face the immediate threat of extinction. This will have a serious social and economic impact on everyone involved in the sport.

Insurance companies have made massive profits for the past two years. A lower claim base caused by reduced activity due to Covid restrictions has given them a financial bonanza. They have intensified their cherry-picking and as a result, increasing numbers of sectors cannot get insurance cover. This is having enormous consequences for our economy and the cultural and sporting life of the nation. I ask the Taoiseach to ensure his Minister of State with responsibility for insurance intensifies his efforts to get some result on this from the insurance companies.

The Taoiseach: The Government is focused on a multifaceted approach, introducing different Acts and reform of PIAB. The personal injury guidelines that were recently introduced are already having a significant impact, as the Deputy and I said, but that has to filter down to the cost of insurance. The insurance companies have an obligation in that respect and they need to step up to the plate because the various measures committed to have been delivered in terms of legislative change, of which there is more to come, and also in terms of the personal injury guidelines and reform of PIAB. The Minister of State, Deputy Troy, is working on legislation to reform PIAB. The Government is, therefore, taking a multifaceted approach. The Government cannot directly intervene in the insurance market and States are prohibited from doing so under the EU Solvency II Directive on the insurance framework. We have to create the right

conditions and environment, and competition, within the market to ensure that we can drive prices down.

Ceisteanna ar Reachtaíocht a Gealladh - Questions on Promised Legislation

Deputy Mary Lou McDonald: Yesterday, I raised with the Taoiseach the fact that so many people could not access PCR tests and he told me that this was not a problem. Today, there are no PCR tests available in 14 counties according to the HSE's portal. There are no PCR tests available in Carlow, Cork, Dublin, Kildare, Kilkenny, Meath, Tipperary, Waterford, Wexford, Wicklow, Kerry, Laois, Louth and Leitrim.

For people experiencing symptoms or in a household where someone is experiencing symptoms, not being able to access these tests is frustrating and frightening for people. Indeed, many have had to travel up to four hours to access a test. That is not acceptable.

I want to know what is the Taoiseach doing about this and how we have allowed this to come to pass at a time where a surge was predicted. The surge has arrived and we find people left in these situations.

Let the Taoiseach not tell me that this is not an issue. It is a big issue for people across the State.

The Taoiseach: I felt it would be a difficult winter. Deputy McDonald obviously did not feel it would be a difficult winter because she opposed the extension of the emergency powers and opposed the vaccination certificates.

Deputy Mary Lou McDonald: For the wonderful Minister to make a botch of it again.

The Taoiseach: The Deputy herself was not prepared for a surge. The Deputy seemed to be ill-prepared for it because she opposed measures that were required to deal with it.

On the PCR testing, I never said it was not challenging. It is now at 210,000 tests per week. There have been 1 million tests in the past month to six weeks.

Deputy Mary Lou McDonald: Fourteen counties with none.

The Taoiseach: I remember Deputy McDonald complaining about it not being at 100,000.

Deputy Mary Lou McDonald: That is correct.

The Taoiseach: It is at 210,000 tests per week. Let us be fair about it, and balanced. The HSE is doing everything it possibly can to expand PCR testing. Testing is at a level that we never thought we would need but, because of the Delta variant and how transmissible it is, it has created huge pressures on the system.

Deputy Mary Lou McDonald: When will people in those 14 counties be able to get tests?

The Taoiseach: The Deputy should acknowledge the good work that is being done as well.

Deputy Aodhán Ó Ríordáin: Only 7% of the adult population of Ireland remains unvac-

cinated but that accounts for approximately 55% of those who are in ICU. In a discussion that Opposition spokespeople had yesterday with the Chief Medical Officer, CMO, some of the statistics that were given to us and related to unvaccinated young people were quite stark. Particularly in the age group between 25 and 29, only 80% of that age group is vaccinated. We do not want to get into the realm of shaming young people. We want to encourage young people to get vaccinated. I ask the Taoiseach what sort of public advertising campaign of encouragement will the Government invest in and roll out to ensure that younger people take up vaccination because they are the ones who are more mobile, are meeting more people and are part of the solution.

The Taoiseach: I agree with the Deputy in the sense that key to the vaccination programme has to be constant encouragement and persuasion. In some minority groupings, for example, which may culturally have some challenges with vaccination, there has been a reach-out from the HSE and a specific targeted focus that is yielding results in terms of increased numbers.

The Deputy is correct in stating that whereas it is a rate of 7% overall, there is a higher percentage of those who have not come forward for vaccination in that age cohort he identified and even in the 12 to 17 age cohort.

There is an ongoing communications approach but also pop-up vaccination centres have been provided, particularly in third level, for example, to make it accessible for those who have not yet come forward.

At the weekend, I was talking to the CEO, who said 1,900 people had come forward for their first dose in one particular area at the weekend, which illustrates this is still worth engagement. It is still worth pursuing that 7%, particularly as it is manifested in certain age cohorts and in certain groupings.

I agree 100% with the Deputy that, as we roll out the booster, we are also asking people to please come forward for a vaccination and that it matters and will protect them and their loved ones.

Deputy Holly Cairns: The Taoiseach will be aware of a situation in Riverstick, County Cork, where a large section of publicly-owned forestry is for sale by Coillte.

Ballymartle Woods is an incredibly important local amenity and biodiverse environment that is used by the community for recreation and by schools for education. A group of residents showed me the beautiful mature mixed forest on Monday. There is considerable local opposition to the sale and at a time when the State needs to drastically increase its afforestation, it is unbelievable that a large section of this wood or any other woodland would be on the market.

There is a pressing need for the Government to have a stronger role in cases such as this. Can the Taoiseach assure the residents of Riverstick and Belgooly that the Government will protect Ballymartle Woods and others?

The Taoiseach: Coillte, as the Deputy will be aware, is independent in terms of its operational duties. They have an obligation to report to the Minister in terms of any projects or whatever like that.

Apparently, this is in relation to an approach in terms of creating a woodland accommodation and recreational offering. I am assured that existing walking trails in Ballymartle Forest, which are very popular with locals, would remain open to the public and would be completely

unaffected were this sale to proceed.

My own view is, generally speaking, given climate change and so on, that we need to do everything possible we can to preserve the existing woodlands that we have. I am not aware of the full background to this specific case in terms of the engagement Coillte is having with other interested parties but my view is that we need to protection, as the bottom line, all our native woodlands in terms of contributing to our climate change agenda.

Deputy Gino Kenny: Sixteen years ago today, the then Minister for Health and Children, Ms Mary Harney, stated that a national emergency should be declared in relation to our accident and emergency units. Ms Harney stated at the time, it “is not acceptable to the public, not acceptable to me, and not acceptable to the HSE” but 15 years on, we have over 2,000 patients waiting on trolleys in our hospitals and, in regards to ICU beds, we have fewer than half of OECD rates. I say this very genuinely but what does it say about Fine Gael and Fianna Fáil in government and about our priorities as a country in regard to those statistics? If the Government was a business, it would be run out of town. These reveal a national shambles in relation to people who are seeking public healthcare. Can the Taoiseach stand over those figures?

The Taoiseach: First, in the past year and nine months, exceptional public support has been given to health, with over €4 billion in last year’s budget, some of which was obviously within the context of Covid. The largest number of beds created in any one year was last year when 900 plus public beds were provided. That will continue to be extended into 2022. Increased capacity will continue. Unprecedented investment continues to be put into the public health system but also better innovation and reforms in terms of the flow through hospitals. Five million homecare hours were provided last year, for example, in respect of that.

There are 273 today on trolleys, not 2,000. We can check that but investment in capacity is key.

Deputy Denis Naughten: In September, the public health doctors were ordered to turn their backs and walk away from the schools. As a result, schools were left on their own with regard to Covid information, hoping that parents would inform them of a confirmed case. Schools were then left with a dilemma as to who to tell and what to tell them without the support of public health.

From next week, antigen tests will be offered to schoolchildren. This is very welcome. It is, again, down to the parents to inform the schools before the new testing regime can be invoked. There is still no backing forthcoming from the public health doctors. My question to the Taoiseach is, why are there no plans to provide public health support to schools in managing this pandemic?

The Taoiseach: There has been ongoing public health support to schools during the pandemic and the Minister for Education and her Department rely on public health supports. In the context of the antigen system that is being introduced, that is on foot of public health advice. It is the HSE’s view that it is the parents who should contact the school in terms of their children who test positive.

Deputy Danny Healy-Rae: There are hundreds of lorries and drivers outside Leinster House at the Merrion Street end today. Surely the Taoiseach is not oblivious to what is going on and the trouble that they are in. The Taoiseach must realise that they cannot carry on for much longer.

This day last year, diesel fuel cost €1.15 a litre. Today, it is €1.60 for the same amount. The increase is 33%. They are not able to carry that. A levy of 2% of taxes on a litre at €1.60 yields way more than when it was €1.15 last year. I am asking the Government to do something about its tax take. A rate of 13.5% is applied on top of the carbon tax and everything else.

An Leas-Cheann Comhairle: Thank you Deputy.

Deputy Danny Healy-Rae: You see-----

An Leas-Cheann Comhairle: No, Deputy-----

Deputy Danny Healy-Rae: Just one other thing. On the rebate, I am asking the Government to increase the diesel rebate from 7.5 cent to 15 cent or 16 cent.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Danny Healy-Rae: There are doing something in other countries and Biden is doing something in America.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Danny Healy-Rae: We must do something here for those fellows because there will be no food on the shelves and we have to realise that that is going to happen.

An Leas-Cheann Comhairle: Deputy, we are eating into the time for a reply.

The Taoiseach: As I said already, I accept there is globally a massive increase in energy and fuel prices. It is across Europe and across the world. We do not have much room for manoeuvre on that at all, as has been suggested. Factually, that is the position. We all need to deal in facts on that.

Deputy Danny Healy-Rae: The Government is taking more.

The Taoiseach: I take the Deputy's point on the rebate scheme. There is always potential around the rebate scheme. It has already been increased, as the Deputy knows, and that increase was maintained for 2022. There are other issues pertaining to the industry that we, and the Department in particular, are engaging with the industry and its official representatives on those issues.

Deputy Joan Collins: Last week I raised with the Taoiseach the issue of the inability to recruit and retain staff in homecare services. Since then, several people have contacted me. I wish to put their stories on the record of the Dáil because it is really important. A woman rang me who is a healthcare worker. She said her mother lives with her. She is 89 years old and has advanced Alzheimer's. She has been in receipt of a HSE homecare package approved in May 2017, delivered via the private agency Care for Me. On 8 September 2021, the HSE allocation received a 14-day withdrawal notice of all care to her mother from Care for Me agency. At no time did the agency indicate it to her. She said she was informed by the HSE on 10 September of the notice. Care for Me did provide a certain amount of care in that time but last week it announced that all care had been withdrawn. She was given a list of private homecare providers to source and pay for herself. There is a crisis. What is the Government doing about it? Something has to be done for these people immediately and in the longer term.

The Taoiseach: On balance, it has to be acknowledged that very significant progress has

been made on home support.

Deputy Joan Collins: This is the reality on the ground, Taoiseach.

The Taoiseach: It is estimated that at the end of September 2021, some 15 million hours had been provided to over-----

Deputy Joan Collins: We might have the capacity, but we do not have the personnel.

The Taoiseach: I refer to care that has been provided to 53,000 people. You get the impression sometimes coming in here that nothing at all is being done in any area.

Deputy Joan Collins: For this family, nothing is being done.

The Taoiseach: This entails 2.2 million more hours compared to the same period last year. The waiting lists have come down from 7,800 in January 2020 to just over 400 in 2021. The Minister of State, Deputy Butler, has made a lot of progress on this and wants to make more progress on this and wants to make more. The Deputy is correct in that because we have made so much progress, there is now pressure on getting more staff in the home care area. We will see what we can do to improve conditions to attract more people.

Deputy Joan Collins: This is a woman who had care for the last number of years and it has been withdrawn.

Deputy Jackie Cahill: The Taoiseach visited Tipperary university hospital, TUH, in Clonmel some weeks ago to open a new modular unit. He was taken on a tour of the hospital. Like many hospitals across the country, it is under huge pressure. When I visited it last Friday evening, it was at 111% capacity. When the Taoiseach was there three weeks ago, they put plans for the St. Michael's unit before him. With that they could provide 33 extra beds at a very reasonable cost, which they envisage as one third of the cost of normal infrastructure. Depending on rising building costs, these 33 beds could be provided at a cost of between €7 and €9 million. The Taoiseach told hospital management that day that it was low-hanging fruit that needs to be delivered by the HSE. Have we made progress on getting these extra 33 beds for TUH? Will he give the House a progress report?

The Taoiseach: I did not realise that the Deputy was writing down everything I was saying in an informal capacity.

Deputy Jackie Cahill: I do for important things like that, Taoiseach.

The Taoiseach: I always admire the innovation of hospital managers who, as we open one facility, hurriedly move you on to the next facility that they want to develop. I do take the point. I spoke to the Minister for Health and have spoken to the HSE chief executive officer on that project. It is a ready-made project that would provide 33 extra beds with a degree of investment. It makes sense to me and we will continue to push for its provision.

Deputy Emer Higgins: I do not know if the Taoiseach is a fan of TikTok but the latest video on the HSE's TikTok account has over 862,000 views so it is a really powerful tool for communicating important health information to the younger generation. However, nothing is being posted about antigen testing. Covid is in our communities. We know how difficult it is to get a PCR test and that there is uncertainty about when you should take an antigen test and how you should do it properly. Current advice is that you should do an antigen test if you do not have

symptoms of Covid 19 and if you are regularly in what are classed as high-risk environments such as nightclubs, bars, restaurants, concert venues, cinemas or theatres. Will the Government use social media platforms such as TikTok and Instagram to roll out an information campaign on antigen testing to target young people and show people how to do antigen tests properly on videos? It is a practical intervention that the Taoiseach could make today.

The Taoiseach: The HSE and the Government have consistently used online platforms across the board on public health messaging generally and on information on Covid 19. There have been specific programmes for online platforms for quite some time. I will take up the matter on antigen testing but that is the next phase.

Deputy Paul Donnelly: I raise the issue of school places in Dublin West. The Chief Whip will know that this is an issue that happens annually. It was first raised in 1995 when the community council produced a report on school places because of the massive surge in house building over the past 30 years in Dublin West. There is a vast oversubscription for Castleknock Community College. Edmund Rice College, which it is hoped will go into its new school building in the summer, is oversubscribed. Le Chéile Secondary School, Tyrrelstown, is oversubscribed, as are the schools in Ongar. The new Hansfield Educate Together National School is now oversubscribed. St. Patrick's National School, Diswellstown, had 177 applications and has 122 places. I was contacted by a parent yesterday to say she had a child in the school already and now has to look at a different school. What will the Government do for those who have to pass by their local school while bringing their children to school? We are talking about climate change. This is an extremely important issue.

The Taoiseach: We have to increase the capacity of existing schools or build new schools with population growth. In the public school programme, priority has always been given to areas of high development potential and growth.

Deputy Bernard J. Durkan: I raise the concern expressed by hundreds of thousands of national lottery players who have supported a good cause for many years and whose confidence has wavered in recent times by virtue of the main prize having been rolled over for almost six months. It is a precedent which was set in 1913 in Monte Carlo and later in Las Vegas. Given the important work done by the national lottery and the public confidence needed to support it, I suggest it is appropriate to refer the matter to the Committee on Budgetary Oversight and the Minister, with the possibility of the regulator appearing before the committee to expedite the review already in hand in the Minister's Department.

The Taoiseach: I have noted of late Deputy Durkan's tenacity and persistence on the issue of the lottery and the need for somebody to win the prize. It could be taken up by the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach. I think the Deputy is a member. It should invite the regulator which governs the licensing of the lotto. We all have high estimations of ourselves but my capacity to produce a winner in the lottery is something that I do not think is in my grasp right now. However, I wish Deputy Durkan continued success in his efforts to achieve this.

1 o'clock

Deputy Claire Kerrane: Today I am publishing the results of an online survey on the cost of living. Over 14,400 people responded and 6,000 of those shared their stories. This exposes a cost of living crisis that is not being addressed by the Government. There was a pensioner

eating the bare minimum because rising bills have left him with little by the end of the week. There was an early years educator having to choose between buying food and filling the car with petrol. There was a nurse whose paltry 1% pay rise through pay restoration has been negated by the rise in the price of diesel. There is a lone parent struggling to pay rent whose ten-year-old child has asked Santa to help his mother. I could go on. Household energy bills were the biggest concern of 93% of respondents. The Taoiseach has this morning outlined what he cannot do but I am asking him do what he can do, that is, establish a discretionary fund to help people with utility debt. He should stop referring to the fuel allowance, which is extremely limited. What was announced in the recent budget in relation to eligibility for the allowance will only extend it to a possible 7,800 households, 4,400 of which will not see that until January. Will the Taoiseach look at a discretionary fund?

The Taoiseach: Fundamentally, as we have said there has been a significant increase in inflation across the world and it is driving pricing. Through taxation measures the Deputy opposed in the budget, we have made an effort to give some assistance to people, especially working people, in meeting costs. We did so also through social protection increases.

Deputy Claire Kerrane: Working people do not get the fuel allowance.

The Taoiseach: That said, we are looking at other measures to get electricity bills down for households. We also want to build more houses because the best way for people to have affordable housing and reduced energy prices is for properly A-rated housing to be built, including public housing and so on.

Deputy Mary Lou McDonald: This winter, Taoiseach.

The Taoiseach: We need to allow that to happen. Every day we oppose big housing projects, we stop ordinary people-----

Deputy Mary Lou McDonald: This is happening now.

The Taoiseach: -----from getting access to housing-----

Deputy Mary Lou McDonald: Does the Taoiseach live in the real world?

The Taoiseach: -----where they could live with a decent quality of life and with reduced costs. I have, of late, been in some of the local authority houses and approved social housing body houses that have been built-----

Deputy Mary Lou McDonald: I find that hard to believe.

The Taoiseach: -----and from an energy point of view, they are working and costs are way down.

Deputy Mary Lou McDonald: My God.

Deputy Michael Collins: I am asking the Taoiseach the same question I asked his predecessor a few years ago. In the time since little has been done to help people who have neurological problems. Today, the Parkinson's Association of Ireland is over in Buswells Hotel doing a presentation, led by Tony Wilkinson of Bandon, who has been at the forefront in the fight for neurology nurses. Does the Taoiseach know we have 24,000 people seeking an appointment with a neurology nurse? Of these, 8,000 are waiting over 19 months. To keep up with other

modern countries across the world, Ireland should have 142 specialised neurology nurses but we only have 42. We should have 20 such nurses in County Cork alone but sadly for those with Parkinson's or other ailments, we have only four nurses, leaving people urgently seeking help that is not there. Will the Taoiseach work with the Minister for Health to immediately address this issue?

The Taoiseach: I will indeed. We have expanded neurological services. They need to be further expanded and I will work with the Minister for Health and the HSE to advance that.

Deputy John McGuinness: I wish to draw the Taoiseach's attention to what we spoke about earlier on, namely, the increase in energy and fuel costs and how it is affecting society and the economy. On one side, you have marginalised people and people on limited incomes who cannot afford to pay for the fuel for their houses. They are making choices, as was said earlier, between food or being warm. Outside the gates today are the hauliers. The cost to them has not seeped down yet but it will be passed on to the general economy and those who are availing of the transport of goods to and from Europe or around the country. Jobs will be affected and so will individuals' lives unless the Government intervenes to provide appropriate supports for those who need them, especially during Christmas, and thereafter to address in a radical way the cost of diesel for hauliers.

The Taoiseach: There are two points there. As I said yesterday and today, we are monitoring this very closely and working out how best we can help to reduce household bills for people in terms of electricity. We are conscious also of the huge pressures on hauliers that have arisen due the general global increase in pricing caused by the economic rebound resulting from the relaxation of Covid measures throughout the summer and early autumn.

Deputy Maurice Quinlivan: Page 45 of the programme for Government states the Government will "Ensure capacity for a COVID-19 rapid response, including bed and ICU capacity and for non-COVID emergencies into the longer term, by utilising some private hospital capacity, if necessary."

The people have been wonderful during this pandemic, as have the front-line staff. However, in a recent radio interview, the chief executive of University Hospital Limerick stated the hospital had 12 ICU beds, 16 high-dependency beds and 13 people in the ICU. She said staffing requirements meant the hospital could only deal with another three ICU cases. Given the current high demand for ICU beds at University Hospital Limerick, the fact the Taoiseach is a former Minister for Health, as are three of his colleagues in government, and that we are almost two years in to the Covid pandemic, will the Taoiseach outline what steps have been taken to ensure there is additional capacity to increase the number of available ICU beds at the hospital?

The Taoiseach: We are very conscious of the pressures on University Hospital Limerick. Surge plans remain in place and are being activated as needed with the HSE's critical care major surge working group providing support to all hospitals. Very significant funding of €52 million was provided by the Government in budget 2021 to add an additional 66 beds in Limerick and the HSE has advised 42 of these beds are now open, bringing baseline capacity to 297. They include ten additional critical care beds in Limerick, of which six are in new-build capacity. Again, whatever we can do in the immediate term we will do, resource-wise. We accept additional resources will be required at Limerick.

Deputy David Stanton: Over the weekend, the Chief of Staff of the Defence Forces said

Ireland is in the front line of a cyberwar. Yesterday saw the publication of the electronic communication security measures for consultation by the Government and the Government also endorsed the EU toolbox on 5G cybersecurity, so there are clear issues of security here. Has the Taoiseach confidence in the security of our mobile telephone networks? Has he confidence in his own mobile phone and those of Ministers, decision-makers and other people of interest here? How long will it take to update the security in this area given we are about two years behind other countries in this regard?

The Taoiseach: There is no doubt but that cybersecurity threats are ongoing and serious for all countries across Europe. Europe tends to work collaboratively in response to such threats. One needs to be alert that the potential for a whole range of actors out there to intercept or attempt to intercept communications is always there. We must be very vigilant in relation to it.

Deputy Richard Boyd Barrett: The protests outside by hauliers are just the latest manifestation of the huge problems large numbers of working people, people on lower incomes, hauliers, taxi drivers and many others are having with the cost of living and the cost of energy and fuel. The Taoiseach asked that we give some suggestions. We have given suggestions. Under section 61 of the Consumer Protection Act 2007, the Government can issue an emergency order and control the price of energy and fuel. It should do that. That is what is required to deal with these price hikes that are devastating people's ability to go to work or heat their homes as we enter into the coldest period of the year. Will the Government introduce caps and controls to reduce the price of energy and fuel?

The Taoiseach: Again, that is far easier said than done and may have wider implications that could also be negative, in terms of a sustained approach to deal with an energy crisis. There are other mechanisms the Government can avail of that we have availed of, such as the rebate scheme.

An Leas-Cheann Comhairle: I am going to give Deputies Alan Farrell and Aindrias Moynihan a minute each as we are running out of time.

Deputy Alan Farrell: Tomorrow is the start of the United Nations Educational, Scientific and Cultural Organization, UNESCO, Orange the World campaign to highlight its aim of ending violence against women. The Ceann Comhairle has agreed to my request to light the obelisk on Leinster Lawn tomorrow as part of that campaign. Will the Taoiseach commit to fulfilling the programme for Government commitment to implementing a plan for future refuge space on the publication of the review of domestic violence accommodation provision currently under way?

Deputy Aindrias Moynihan: The retained firefighters in Ballincollig have provided a phenomenal service to their community over a great many years. There is a huge concern locally that City Hall is now closing the fire station there. The full-time crew who were temporarily there have gone back to Anglesea Street and there not enough retained firefighters to operate the station as it is. There are 18 additional firefighters recruited and finishing out their training. It would make sense, as the city is growing westward, to have a crew operating a fire service from the western side of the city in the new fire station in Ballincollig. It just does not stack up to have a new fire station empty. I ask the Taoiseach to raise this issue with city hall authorities and impress on them the value of having a fire service based locally in Ballincollig.

The Taoiseach: I responded yesterday to the issue raised by Deputy Farrell. We are confident of fulfilling the Government commitment to this, especially by providing more refuges,

accommodation, supports and capacity.

In respect of Deputy Ó Muineacháin's point, I understand a number of retained firefighters in Ballincollig have been successful in securing whole-time positions with Cork city fire service. That has resulted in vacancies in the retained fire service in Ballincollig. Cork City Council has moved a crew of whole-time firefighters to Ballincollig as a temporary measure pending restoration of a retained service. Provision of a retained fire service in Ballincollig remains the objective of the city council and a new recruitment campaign is planned for retained firefighters in Ballincollig. It is hoped that suitable candidates in Ballincollig will be interested in taking up roles as retained firefighters and that the local business community will consider facilitating any staff who go forward for this valuable community service. Since the incorporation of Ballincollig fire station into the Cork City Council fire service, arrangements for staffing of the council's fire service have been the subject of discussions between the council and staffing interests, which takes on board what the Deputy said. This process will probably enhance the service in Ballincollig over time.

Supplementary Estimates for Public Services 2021: Leave to Introduce

Minister for Public Expenditure and Reform (Deputy Michael McGrath): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2021:

Vote 6 — Office of the Chief State Solicitor (*Supplementary Estimate*).

Vote 29 — Environment, Climate and Communications (*Supplementary Estimate*).

Vote 33 — Tourism, Culture, Arts, Gaeltacht, Sport and Media (*Supplementary Estimate*).

Vote 37 — Social Protection (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates for Public Services 2021: Referral to Select Committee

Minister for Public Expenditure and Reform (Deputy Michael McGrath): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2021, the Supplementary Estimates be referred to the following Select Committees, as appropriate, pursuant to Standing Orders 95(3)(b) and 215(3), which shall report back to the Dáil by no later than 7th December, 2021:

Vote 6 — Office of the Chief State Solicitor (*Supplementary Estimate*) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 29 — Environment, Climate and Communications (*Supplementary Estimate*) — Select Committee on Environment and Climate Action.

Vote 33 — Tourism, Culture, Arts, Gaeltacht, Sport and Media (*Supplementary Estimate*) — Select Committee on Tourism, Culture, Arts, Sport and Media.

Vote 37 — Social Protection (*Supplementary Estimate*) — Select Committee on Social Protection, Community and Rural Development and the Islands.

Question put and agreed to.

Ceisteanna - Questions

Climate Change Negotiations

1. **Deputy Alan Kelly** asked the Taoiseach if he will report on his attendance at the COP 26 United Nations Climate Change Conference. [54411/21]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his attendance at the COP 26 United Nations Climate Change Conference. [54210/21]

3. **Deputy Christopher O’Sullivan** asked the Taoiseach if he will report on his attendance at the COP26 United Nations Climate Change Conference. [57047/21]

4. **Deputy Mick Barry** asked the Taoiseach if he will report on his attendance at the COP26 United Nations Climate Change Conference. [57285/21]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

I participated in the world leaders’ summit at the 26th UN Climate Change Conference of the Parties, COP26, in Glasgow on 1 and 2 November. At the action and solidarity round-table discussion for leaders on 1 November, I expressed Ireland’s strong commitment to global action to deliver on the goals of the Paris Agreement and keep the global temperature rise to 1.5°C. On 2 November, I delivered Ireland’s national statement to the plenary session and took the opportunity to reiterate our climate ambition, nationally and at European Union level, and our commitment to supporting small-island developing states and least-developed countries, many of which are very vulnerable to climate change. I announced that Ireland is more than doubling its climate finance contribution to at least €225 million a year by 2025.

The conference provided an opportunity to engage with many of my fellow leaders from around the world. I had formal bilateral meetings with the Australian Prime Minister, Scott Morrison, and with Fijian Prime Minister, Frank Bainimarama. Over the course of the summit, I also had informal meetings and exchanges with the United States President, Joe Biden, the Prime Ministers of Iceland, India, Israel, Norway, Palau, United Kingdom, Vietnam and many of my European Union colleagues, including Presidents Michel and von der Leyen. I also spoke with the First Minister of Scotland, Nicola Sturgeon, as well as Northern Ireland First Minister, Paul Givan, and deputy First Minister, Michelle O’Neill. During my visit, I also met

a delegation of researchers and students from University College Cork, members of the Dingle Sustainable Energy Community and youth delegates from Ethiopia and Burkina Faso, whose attendance at COP26 was supported by Irish Aid.

The overarching COP26 decision, the Glasgow climate pact, commits all parties to accelerate action on climate this decade. It recognises that the impacts of climate change will be much lower at 1.5°C compared with 2°C, and it resolves to pursue efforts to stay under the lower limit. Importantly, this means that the goals of the Paris Agreement can still be met. It strikes a balance between increasing climate ambition, delivering on calls for increased climate finance and adaptation supports and provides for a new dialogue on the issue of loss and damage, which is critical to supporting climate justice for those most exposed to climate change. It also provides for parties to revisit and strengthen their 2030 emissions targets in 2022.

The focus now is on delivery, including Ireland's commitment to cut greenhouse gases by 51% by 2030 and to reach net zero carbon by 2050 at the latest, as legislated for in our climate Act.

Deputy Ivana Bacik: The Taoiseach has outlined his meetings and speeches at COP26. In his address to COP26, he said that every second of delay makes the task to cut emissions that bit bigger. He is correct. The crisis is cumulative and while we wait to take action we allow the problem to get worse. Unfortunately, not only were many of the outcomes of COP26 frustrating in betraying a lack of urgency at world leader level, in Ireland we are also seeing repeatedly long delays and missed deadlines in this Government's response to climate change.

We very much welcome the ambitious national climate targets. It is necessary that those targets are in place and that we all sign up to the targets of a 51% reduction by 2030 and to achieve net zero by 2050. That is vital, but we are not seeing the necessary detail of how we will achieve those targets. Last night, I addressed this to the Minister for the Environment, Climate and Communications, Deputy Eamon Ryan. Following publication of the climate action plan, which sets out these very ambitious targets, I asked him when we would see publication of the accompanying detailed annex of actions, with timelines, to support delivery of the plan. The response I got from the Minister was that it would be published in the coming weeks. This detailed annex of actions and timelines is essential to provide all of us, and all the different sectors, with the information necessary to show us how we will achieve the necessary emission reduction targets. Will the Taoiseach now tell us exactly when this crucial document will be published, given that we have seen such delays in publication of the action plan and other crucial documents?

Deputy Mary Lou McDonald: During consideration of the Climate Action and Low Carbon Development (Amendment) Act last year Sinn Féin proposed, in an amendment, that appointments to the Climate Change Advisory Council should take the form of a public appointments process, based on the process of appointment to the Irish Human Rights and Equality Commission. Our amendment was rejected by the Government.

It cannot be news to the Taoiseach that it is the general expectation that a transparent public appointments process is in place for such appointments. There have been years of reform on this matter and, in fairness, I acknowledge the former Minister for Public Expenditure and Reform, Deputy Brendan Howlin, who gave this matter much attention when he took up office in that Department. The public outrage at the Katherine Zappone appointment was not a result of her lack of qualifications, far from it, rather it was in response to the insider culture it

represented.

The Taoiseach can levy all the charges he wants of the Opposition trying to do down the Government, but the reality is he knows full well that the appointment by Ministers of former colleagues, or in the case of the Minister, Deputy Ryan, an active member of his party, is not right. It is the public first and foremost who find this culture offensive, but by actively avoiding an open appointment process Ministers undermine those they appoint regardless of their eminent qualifications.

I ask the Taoiseach to ensure that his Ministers put in place the appropriate public processes for such appointments in the future.

Deputy Mick Barry: Yesterday, the Commission for Regulation of Utilities outlined new rules for data centres that want to connect to the electricity grid. I do not believe these changes would have come through if the issue had not been highlighted and campaigned on by climate campaigners. However, I also do not believe that the commission has gone nearly far enough. One condition is that centres must provide their own emergency power supplies. Will the Taoiseach tell us when that condition will kick in? Will there be any stipulation that these emergency power supplies will be based on green energy? Will the 70-plus data centres be allowed to develop supplies based on fossil fuels, should they so decide? Does the Taoiseach agree the 11% share of our national electricity output used by the centres can only be expected to rise, given no prohibitions were announced yesterday, only new conditions? Does the Taoiseach agree the changes, in large measure, amount to kicking the can down the road? If so, does he not think a moratorium or ban on new data centres might have been a better option for our country?

Deputy Richard Boyd Barrett: The threatened sale of the Killegar forest in Enniskerry, which I highlighted and on which I am glad to say Coillte backed off, and the one raised by Deputy Cairns that the Taoiseach was talking about earlier on, indicate a fundamental problem with the mandate of Coillte, namely, that it is operating to commercial imperatives, rather than as a guardian of the forest estate and as the entity that is trying to expand that forest estate to deal with climate change and carbon sequestration and to enhance biodiversity. Something is fundamentally wrong with the way it is operating.

That mandate needs to be changed to prevent the sale of public forests and in order for it to act as a spearhead in dealing with the spectacular, ongoing, decades-long failure to meet our afforestation targets, to deal with our fundamentally unsustainable forest model based on monocultures and Sitka spruce and the market conditions around that and to deal with the need to assist farmers in embracing afforestation by supporting them rather than as is often the case where they find themselves at odds with Coillte which commercially dominates a market rather than doing the right thing by our forest estate.

The Taoiseach: Deputy Bacik raised the issue of the publication of the more detailed action plans. In the course of her questions, she said she had been engaging with the Minister for the Environment, Climate and Communications last evening. The Government has committed to publishing that detailed annex of actions, because it is important. I do not have a precise date here and now, but the Minister and his Department are finalising that. By any objective standards, this Government moved especially speedily to introduce the new Climate Action and Low Carbon Development (Amendment) Act 2021, which creates a legal framework for this Government and future Governments in respect of meeting clear obligations on climate change.

That has to be followed by the climate action plan, which has been published and the detailed actions, but also by the carbon budgets for every sector.

The challenges will increase. I am not saying this will apply to the Deputy, because I accept her bona fides on climate change, but the challenge will be in implementing all of these actions as it will mean change. It is a bit like the opposition to carbon tax. We get attacked everyday because of carbon tax. One has to ask the question as whether people are serious about climate change overall because all the international advice is that it works on a long-term basis. Of course, it does not work in terms of winning votes. I know that.

However, these are the kinds of calls we will have to make right across the board in every sector. The temptation will be to cynically focus in on certain areas of these changes, to undermine the overall effort for Ireland to play its part in meeting the 1.5°C because we are not strong *per capita* performers on climate change. We have to acknowledge that as a country and we have to move quickly. That is why the legislation around the marine planning Bill is essential for offshore wind. That has to happen and those frameworks have to be created for investment in offshore wind in particular and throughout other areas. This will be published.

On Deputy McDonald's point, those appointments were made in full accordance with the legislation and I think the Deputy acknowledges that because she said her party put forward an amendment which was not carried. There was a suggestion somewhere that the Minister had gone outside the legislation. He had not. Is the best the Deputy can do on climate change is just raise appointments under the Act? What about the substance of climate change?

That is what COP26 was about. The fact the United States has changed, because of the election of President Biden, has given a huge fillip globally to the whole climate change agenda. In partnership with the European Union and Great Britain, it has to be said, there is potential. Other countries have to come on board. The partnership with China towards the end of the COP26 was important and the US and China have signalled they will work proactively together in respect of that.

With regard to the appointments made by the Minister, Deputy Ryan, no one can question the qualifications of the two individuals concerned, their commitment or that they would be good members of the council. It was in accordance with the Act passed by this Oireachtas. To be balanced and fair about this, there is a wider range of issues on which we should collectively be working and we should be honest about our approach to climate change in that regard.

In response to Deputy Barry, the Commission for Regulation of Utilities, CRU, which is the legislatively created regulator, is responsible for the regulation of these areas. The conditions are balanced. It is important self-generation and backup generation would be provided. The experience is that, in many instances, many companies are now investing in renewables as compensatory measures. Recently, I was in Eli Lilly in Kinsale, a pharmaceutical company which has been there for more than 30 years, providing more than 1,000 jobs in Kinsale and more elsewhere. It has transformed what was land around the plant into the largest solar farm in the country. Likewise, DePuy Synthes has purchased two forests to ensure its contribution will be net zero in terms of its production facilities.

Many multinational companies are proactively working on the climate change agenda. There is no reason that should not include companies that build and operate data centres. The world is going through a digital transformation, as are we as a country. Infrastructure will have

to be provided. We should not have a runaway system of data centres. I do not believe in that at all. There should be limits to this and conditionality attached to it. The CRU has provided a regulatory framework that changes the landscape and that will challenge companies to make a stronger contribution to our energy requirements, security of supply and climate agenda.

Deputy Boyd Barrett's point was raised earlier in the Order of Business. I have said consistently that State agencies now have to have climate change as a central part of their mandate. Bord na Móna and Coillte, in particular, should have it as the core part, given how much land both of them have and the retention and expansion of carbon sinks should be their number one priority.

Cabinet Committees

5. **Deputy Mary Lou McDonald** asked the Taoiseach when the Cabinet committee on health will next meet. [55666/21]

6. **Deputy Alan Kelly** asked the Taoiseach when the Cabinet committee on health will next meet. [55857/21]

7. **Deputy Mick Barry** asked the Taoiseach when the Cabinet committee on health will next meet. [57286/21]

8. **Deputy Richard Boyd Barrett** asked the Taoiseach when the Cabinet committee on health will next meet. [57323/21]

9. **Deputy Paul Murphy** asked the Taoiseach when the Cabinet committee on health will next meet. [57326/21]

10. **Deputy Aindrias Moynihan** asked the Taoiseach when the Cabinet committee on health is next due to meet. [57354/21]

11. **Deputy Niamh Smyth** asked the Taoiseach when the Cabinet committee on health is next due to meet. [57355/21]

The Taoiseach: I propose to take Questions Nos. 5 to 11, inclusive, together.

The Cabinet committee on health oversees implementation of programme for Government commitments on health, receives detailed reports on identified policy areas and considers the implementation of health reforms, including Sláintecare. The Cabinet committee last met on Monday, 8 November. It is intended that it will meet again shortly.

In addition to the meetings of the full Cabinet and of Cabinet committees, I meet with Ministers on an individual basis to focus on different issues. I meet regularly with the Minister for Health to discuss priorities in the area of health, including Sláintecare and especially our management of and response to Covid-19.

The health sector is expecting to face significant challenges this winter. The recently published winter preparedness plan 2021-2022 is structured around three key goals: avoidance of hospital admittance, unless absolutely essential; patient flow through our hospitals; and safe and timely egress of patients from hospital. The Government is investing €77 million in this year's winter plan. It is important to recognise that €400 million from last year's winter plan

has been retained and was locked into the regular annual funding base for 2022.

Deputy Ivana Bacik: I thank the Taoiseach for the outline. I want to ask about the Government's spending on temporarily renting private beds in private hospitals. The Labour Party has continually advocated for expanding public healthcare by purchasing private hospitals outright. We are conscious that with the Covid plans, the Government essentially, at one point, took over full capacity of the private system. We now have this arrangement for leasing. We know that this arrangement cost the taxpayer €350 million between March and June 2020, and that a deal is currently in place with private hospitals should there be a need for them to manage capacity. How much is being spent on this temporary renting out of private beds in private hospitals? We have argued that the money would be better used to permanently expand our public capacity in a bid to tackle our ever-growing waiting lists, which we are all conscious of, our ageing population and the ongoing, devastating battle with the Covid pandemic.

Sláintecare calls for the building of three elective hospitals. This part of Sláintecare is essential to deliver the massive, radical reforms that our healthcare system so badly needs. It would surely be much better and more efficient to use the resources already available, by buying the hospitals to fulfil that key Sláintecare recommendation to support our healthcare service through the pandemic and beyond. We know 50% of the population has private health insurance. This expense is built on a fear that the public system will not be able to care for us and will not have the necessary capacity if we fall sick. Looking at European neighbours and at how other countries are coping with Covid, we think that now would be the best time to prepare our healthcare system. I ask the Taoiseach about the spending on private beds.

Deputy Mary Lou McDonald: In response to my colleague, Deputy Pearse Doherty, two weeks ago, the Minister for Foreign Affairs, Deputy Simon Coveney, stated unequivocally that the families of the victims of abuse at Ard Gréine Court in Stranorlar, County Donegal, deserve to get the full truth and to see the full Brandon report; not an executive summary or an extended executive summary but the full report. Leaks of this report to the media tell us that there were 118 occurrences of sexually inappropriate behaviour, which impacted 18 victims, all extremely vulnerable individuals, many of them non-verbal. As Deputy Doherty has highlighted time and again, the families of the victims placed their trust in the centre and the HSE to protect their well-being and safety. This trust has been broken in the cruellest and heart-breaking of circumstances. It was, as is so often the case, the courage of a whistleblower that led to investigations into the abuse by the Health Information and Quality Authority, HIQA, and An Garda Síochána. Two years after that, the abuser was relocated and the abuse started all over again. Deputy Doherty wrote to the former Minister for Health in 2016 to raise the issue of under-reporting of abuse at the facility. He was told by the then Minister, Deputy Harris, that it was a matter for the HSE. We are here many years later and the HSE and Garda are blocking publication of the full report, the two State agencies responsible for protecting victims in the first place. I share the view of Deputy Doherty and the Minister, Deputy Coveney, that political input is needed to ensure that the unvarnished truth is published. This needs to be transparent. I ask the Taoiseach to ensure that there is urgency and that the victims' families have full sight of this report.

Deputy Mick Barry: The Tánaiste has now raised the possibility that the Government decision on antigen testing might be delayed until the Cabinet meeting next Tuesday. Does the Taoiseach think this is an acceptable delay? It is 20 months into the pandemic, with more than 5,000 cases on some days, yet there is no action from the Government on this issue. Can the Taoiseach argue with my contention that the more antigen testing is done, the better it is from a public health point of view, and that more testing is likely to happen in the event of the tests

being made free? No PCR tests are available in Cork today or tomorrow for anyone applying now. It is the same in 13 other counties. The HSE says that 210,000 tests were done last week. I understand that the laboratories and the test and trace system are coping, but we do not have enough swabbers. I put it to the Taoiseach that we failed to anticipate and put measures in place for this situation. What measures will be put in place now?

Elective hospitals for Cork, Dublin and Galway were mentioned earlier. Government Deputies told the *The Echo* that there would be an announcement about this in the first week of October. We are now coming towards the end of November. When will we get an announcement about our new elective hospital?

Deputy Richard Boyd Barrett: Yesterday, I said to the Taoiseach that people cannot get a PCR test in Dublin for love nor money. Now that fact has been confirmed, although people in the Government's front bench were shaking their heads when I said that. Something else that the Taoiseach might consider is that, if people cannot get a test for a couple of days, they can understandably feel pressure to get a private test, which can cost up to €99. They can go to private hospitals to get a test and pay for it, which underlines the point about how unacceptable a two-tier system is when we are talking about the lack of capacity in our system. It is not just about the ICU and beds but the ability to test. If a person has €99, he or she can pop up to the Beacon and be tested today. That is the reality of what a two-tier system provides when faced with a public health emergency. All that Covid has done has highlight the inadequacies that exist with the two-tier system. We have an ongoing public health emergency with waiting lists and emergency departments. It is unacceptable on the issue with testing. The Government will not provide pop-up centres, which we asked for yesterday. If we nationalised the private healthcare capacity, we would be able to test people as quickly and urgently as we need them to be tested.

Deputy Aindrias Moynihan: When will the Cabinet committee on health next meet? Will there be an opportunity to discuss the well-being framework? It is a positive initiative which focuses on quality of life and a range of issues. The initial report was published months ago. As we make our way through the pandemic, there is a greater need than ever to focus on various aspects of our life, including mental and physical health and much more. Unfortunately, maintaining physical and mental well-being, and so many other things, slipped off the radar when people were isolated, including carers and people they care for. We see much more of this in mid Cork and it is a worry. The HSE has identified a need for a daycare centre for older people around Macroom. It has identified an ideal site for on the hospital grounds. It would present an opportunity for older, isolated people, a break for carers, social interaction and access to various therapies and supports. While the HSE has identified a site, it is hard to see progress on it. Will the Cabinet committee on health meet shortly? Will it discuss the framework for well-being? Will that framework give additional energy, priority and focus to those waiting for a day centre in Macroom?

Deputy Gino Kenny: I raise an issue that I have probably raised countless times in my five-and-a-half-year tenure here. It is about access to medicinal cannabis. I do not give the Taoiseach too many compliments, but I will give him one. I know he personally got involved in a number of cases in the past, which is to his credit, because this issue sometimes transcends politics. I have some good news. In the next week, three people will be registered and will get prescriptions under the medical cannabis access programme. That is very good news because that could be transformative for those three people, since they will get legal access to medical cannabis via prescription. That has been a tortuous road to get access. That is good news.

Many of the people who contact me and others, including campaigners and families, want to know how they can get medicinal cannabis for their loved ones. I understand there are criteria in regard to the stipulations and conditions under the programme, but many people are extremely frustrated in regard to access. Some people have to go abroad and, even worse, some people have to do without. I have seen the impact on people of having to go without, in particular those whose children are in pain. It is terrible. I have also seen how this medication can be absolutely transformative for people's loved ones. I am pleading with the Taoiseach to make this programme work for the countless number of people it could benefit.

The Taoiseach: I thank all of the Deputies for the issues raised under this heading. Deputies Bacik and Boyd Barrett raised the issue of private healthcare. In an emergency and in a pandemic, it makes sense to use all capacity that is available within the country. In regard to the first deal, I was not in government then but, to be fair to everybody, it was entered into in the uncertainty of the first wave of a pandemic and it was not, perhaps, utilised optimally. It was a huge cost. In terms of what has happened since, the HSE has entered into a more sustained agreement with the private sector, but I do not have the exact cost here. It is a type of safety net programme, with up to 1,000 bed days per week currently being utilised and a plan to increase that to 3,000 per week given the pressures on the public acute system because of Covid-19.

It is important to point out that this year has seen the largest increase in the provision of beds in our public health system, with approximately 950 hospitals beds to be in place across the system by the end of this year. The number of ICU beds has increased from 255 in 2020 to close to 300 now, and it is hoped to expand that further. There is a clear programme of expansion of public sector health provision and capacity. There is a whole range of work still to be done in terms of the consultant contract issue and other issues. Meanwhile, the idea of nationalising other hospitals is not on the agenda, nor is it possible. We cannot just rock up and buy a hospital if there is no vendor.

As we expand the public health sector, it has to be integrated into our existing structures. In terms of the elective facilities mentioned, they are public elective facilities that have to be integrated into existing acute hospital systems within given regional areas. The relationship, for example, between an elective facility in Cork in terms of Cork University Hospital and the Mercy University Hospital and others is key. That has to be part of the wider public health provision and giving access to public patients. Likewise in Galway and Dublin, where elective facilities are being planned for. The Department of Health is working up proposals in respect of facilities in those locations.

I do not have the exact cost of the current programme but my understanding is that it would have been discussed in committee prior to this wave because it was been in place for most of this year. It is increased as pressures increase on the public system. The overarching objective is to increase investment in the public system. That remains the overarching priority.

In regard to the inquiry in terms of the appalling situation that occurred in Stranorlar and the terrible reports which we have learned about there, Deputy McDonald stated that the Garda is stopping the publication of that report. An Garda Síochána is the authority in this country in terms of the law and prosecutions to criminal law. Ordinarily, Government does not intervene and tell the Garda not to pursue something or to abandon its investigations. I believe in the full truth being known and that the report should be published. My understanding is the Garda is indicating that full publication could jeopardise its investigatory process. Ultimately, the report has to be published. The families of all those who have suffered need to be given the full infor-

mation in respect of this case. It is a shocking situation.

On Deputy Barry's question, transmissibility of the Delta variant is enormous across Europe. Fortunately, we have had one of the better vaccination programmes, with 93% of our population fully vaccinated, which is protecting against severe illness. Other European countries that are at 65% and 70% are experiencing a real problem now with the unvaccinated ending up in ICU. Last week, over seven days, 210,000 were vaccinated. That is not an inconsiderable number of vaccinations. That should be acknowledged. We have to do more. We have to increase capacity and we are going to do that. In addition, we have expanded the use of antigen testing significantly in the past six months, both in terms of various sectors such as the food production and healthcare sectors and in terms of close contacts, in respect of which up to 60,000 free tests were provided and a further 100,000 were provide to the agriculture sector.

Deputy Mick Barry: The Taoiseach did not answer my question with regard to the announcement on the elective hospitals.

The Taoiseach: I did. The Department is working up proposals. I do not have a specific date.

Deputy Boyd Barrett raised the issue of the private hospitals, which I have dealt with.

Deputy Aindrias Moynihan asked about the well-being framework. The Department of the Taoiseach is overseeing the development of a well-being framework. It is along the lines of the late Bobby Kennedy's approach that we cannot measure everything in life by GDP and that we do have to look at well-being metrics that dictate how well a country is doing and how a society is doing for its people. New Zealand and other countries have adopted such a well-being framework.

With regard to the day care centre in Macroom, it is the type of opportunity that gives quality of life to people in rural locations. We need more of those in terms of the community side of healthcare.

Deputy Gino Kenny raised the issue of medicinal cannabis. I accept the Deputy's point that this is torturous and that the issue of access to the medicinal cannabis programme has been going on for years. I am glad to hear from the Deputy that three people are now registering. I will pursue the matter with the Minister for Health and his Department in respect of greater access to that programme and fewer hurdles such as those we have all been jumping through on behalf of people for so long.

Departmental Programmes

12. **Deputy Mary Lou McDonald** asked the Taoiseach if he will outline the key policy achievements of his Department since June 2020. [54364/21]

13. **Deputy Richard Boyd Barrett** asked the Taoiseach the key policy achievements of his Department since June 2020. [57324/21]

14. **Deputy Paul Murphy** asked the Taoiseach the key policy achievements of his Department since June 2020. [57327/21]

The Taoiseach: I propose to take Questions Nos. 12 to 14, inclusive, together.

Since 27 June 2020, ten new Cabinet committees have been established with specific responsibility for a range of issues to advance the Government's programme. Through the work of the committees, supported by my Department, a range of policy work has been advanced since June 2020, including management of the whole-of-government response to Covid-19. This includes the national vaccination programme roll-out; the economic recovery plan, which was published in June and implementation of which is helping to drive a jobs-rich recovery and support our transition to a decarbonised and digital economy; delivery of an initial well-being framework for Ireland and supporting information hub, which are being developed to better understand and measure our progress as a country; establishment of a social dialogue unit in my Department, which is working to co-ordinate and support the Government's overall approach to social dialogue; driving delivery of our commitments on shared island on a whole-of-government basis through the shared island unit in my Department and the shared island fund; work of the Future of Media Commission, which has now concluded its work and has produced a comprehensive report and recommendations; completion of the work of the Citizens' Assembly on gender equality; launch of the revised national development plan, setting out the road-map for investment of €165 billion in new and upgraded infrastructure over the decade ahead; publication of Housing for All, an ambitious and far-reaching plan to address the provision of housing; supporting the development of the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2021, which are key elements of a suite of measures introduced to fundamentally alter Ireland's approach to climate change; supporting Ireland's role in Europe and the world, including through my participation in the European Council, Ireland's seat on the UN Security Council and with respect to continuing EU-UK discussions on the Northern Ireland protocol; and four legislative programmes published setting out priority legislation across government.

Deputy Mary Lou McDonald: The Taoiseach and I have previously discussed the unintended consequences of the programme for Government commitment in regard to the children's disability network teams. Full-time therapies have been taken out of some special schools, to be accessed instead through community HSE services. This policy has had negative outcomes for children and I know the Taoiseach shares some of my concern in that regard.

I want to raise again the outstanding issues at Carmona School in Glengageary. I thank the Taoiseach for pursuing the matters raised and for his correspondence to me last month. I need to inform him that the information provided to his officials in terms of resources being returned to the school are simply not correct. A speech and language therapist is on site just one day a week, primarily for the purpose of evaluations. The reality for the children is they have had no speech and language therapy since February of this year. The occupational therapist is only on site two or three days each week. The physiotherapist is not trained for emergency chest compressions, nor are the two nurses on site, as referred to in the Taoiseach's response to me.

The parents have repeatedly stated to the HSE and the Minister of State that their failure to reinstate this necessary on-site resource constitutes a real, foreseeable and life-threatening risk to children attending the school who are non-verbal and disabled. Perhaps most alarmingly of all, the parents have been able to ascertain through freedom of information, FOI, that no risk assessment was carried out by the Department or the HSE in advance of implementing the progressing disability services programme in special schools. I urge the Taoiseach to have his officials re-engage with the HSE on these issues as a matter of urgency.

Deputy Richard Boyd Barrett: Over the past number of weeks, many taxi drivers were pushed off the pandemic unemployment payment, PUP. In fact, many of them could have stayed on it but voluntarily signed off because their sector was recovering. Now the sector has gone over a cliff because of the night-time curfew, the public health advice for people to reduce social contacts and the work from home provisions. Taxi drivers are being offered nothing. They have got it in the neck from the word go in this pandemic. Every measure that is taken impacts on their ability to make an income. It is not fair that they will again be punished financially and get no supports. We need to give them back the support such that they can earn a little from the bit of work that is out there, while having the income support of the PUP.

Precisely the same goes for musicians, entertainers and people working in events and the night-time economy. It is not fair that, yet again, they get hit. They have been the longest affected and the worst hit - they have been repeatedly hit - but they are denied the right to the PUP. Indeed, while other business supports are maintained, the workers, who depend on the supports and were hit hardest, are hammered and their supports taken away, with no indication from the Government that it intends to restore supports for them and people in similar sectors that are particularly hit by the latest round of public health measures.

The Taoiseach: First, I will revert to my officials on the issues raised by Deputy McDonald in respect of a specific school and the point she made that services have not returned. My overall commentary is that the progressing disability services policy or programme was developed nearly a decade ago. I was not in government at the time and I remember having concerns from the Opposition benches and speaking about it to principals of schools. What is happening, in essence, is that the objective from the HSE's perspective has been to get a harmonised system. Prior to the progressing disability services programme, special schools, in particular, had their own complement of therapists as part of the overall multidisciplinary school teams. The progressing disability services programme wanted to create a centralised system in a given region or location to give equal access to therapies to all pupils in mainstream and special schools. It has been a very slowly evolving programme and there have been problems with it. In my view, the programme should be rolling out without impacting on existing services in education or in schools. That is my view and I know the Minister of State, Deputy Rabbitte, shares those principles.

We are engaging with the HSE in respect of some schools where this issue has manifested more recently. I will have a look at the situation again. We will have to take a serious look at how the progressing disability services programme is being rolled out. It should not be done on a basis that undermines existing provision in existing special schools. We provided resources for an additional 100 therapists last year, so there should be room to develop this new system in parallel. The previous Government started a pilot scheme and my view, personally and from a policy perspective, is that it needs to be developed. There is merit in continuing with the multidisciplinary approaches in schools while, on a more general basis, centralising provision in some centres. For example, Enable Ireland in Cork has an excellent centre in Curraheen. The only problem is that the schools have not been located adjacent to it, which would be the perfect solution that would allow for the full panoply of resources available to children with special needs. This is something I intend to continue to pursue with the agencies and Ministers responsible in terms of a broader review of policy.

On Deputy Boyd Barrett's questions about income supports, as we have reopened the economy, there has been a dramatic decrease in the number of people on the pandemic unemployment payment. I do not think people were pushed off it.

Deputy Richard Boyd Barrett: Some were.

The Taoiseach: I just think work came back. We know from the returns in revenue that the economy has picked up very significantly throughout the summer. Thousands of people got back to work, which is a good thing. It is where people want to be. The changes we have made in the past week, in essence, bring the hours back to midnight. It is not ending any particular sector. Prior to this, intervention economically was when we moved from level 3 to level 5 or where, in effect, a sector was closed down or rendered completely inoperable. Those were the triggers and there were other triggers in respect of the employment wage subsidy scheme, EWSS, and the Covid restrictions support scheme, CRSS, in terms of the closure of a premises, for example.

We are now in a different phase of the pandemic. The measures we adopted at the very start in terms of restrictions and all of that were necessitated by what we knew then about the virus, the level of vaccination and so on. Now we are in a fourth wave. It is a very transmissible variant. Right across Europe, there are very considerable concerns. People have adapted here and that adaptation in terms of reduced socialising is having an impact on certain sectors. I acknowledge that. The challenge for us will be to develop more bespoke models in terms of the broad-brush approach we have used in earlier phases of the pandemic. That is the approach we intend to take. We will assess the impact of the measures on specific sectors, including the areas the Deputy identified. We have brought it back to midnight but I would not call it a curfew. In Holland, I think it is at 7 o'clock or 8 o'clock at night that all activity stops. However, what we have done does have an impact. I do not disagree with the Deputy on that.

Written Answers are published on the Oireachtas website.

Sitting suspended at 1.59 p.m. and resumed at 2.58 p.m.

Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2021: Second Stage

Minister of State at the Department of Transport (Deputy Hildegard Naughton): I move: "That the Bill be now read a Second Time."

I am pleased to introduce the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2021 for the consideration of this House. The primary objective and focus of the Bill is to amend the Merchant Shipping (Investigation of Marine Casualties) Act 2000 to facilitate a revised board composition for the Marine Casualty Investigation Board, MCIB, and, through other necessary operational and technical revisions, to support the functioning of the MCIB as the investigative body in the State in relation to marine casualties, to meet our European and international obligations and to have an independent marine casualty investigative body in place.

Marine accident investigation is an important element of national safety policy going back many years. The Merchant Shipping Act 1894 provided the first legislative framework until it was replaced by the Merchant Shipping (Investigation of Marine Casualties) Act 2000, which provided for the establishment of the MCIB. In accordance with the Department of Transport's statement of strategy 2021-2023, the promotion and enhancement of safety is a key objective and priority and underscores many of our policies, strategies and actions. Following on from

this, one of the core objectives of the Irish maritime directorate strategy 2021-2025 is to enhance maritime safety. Bearing this in mind, while there is an immediate and urgent need to progress the current Bill, this Bill is not the final step in the process of reviewing the legislative and structural framework that applies to marine casualty investigation in Ireland.

3 o'clock

I would like to take this opportunity to mention that an independent review of the organisational structures for marine casualty investigation in this country was initiated in March of this year to be carried out by Clinchmaritime Limited. The key objective of the review was to assess the current organisational structures for marine casualty investigation and to set out in a report any recommendations, including in relation to change, to achieve the most appropriate and effective marine casualty investigation structures for Ireland, taking into account national, EU and international obligations. The review report has been received and is currently being examined. The recommendations contained in the report will be given full consideration with the view to developing a plan of response, which may include the delivery of further legislation and will include further engagement with the Oireachtas committee.

As I will now explain in more detail, this Bill is a necessary intermediary step to amend the existing legislative framework for the MCIB to ensure and support the continued functioning of the investigative body in the immediate term. To assist Deputies and to provide some context to the current Bill, I would like to give a brief background to the establishment and role of the MCIB and the events over the last two years that have given rise to the need for this legislative change. The MCIB was established under the Merchant Shipping (Investigation of Marine Casualties) Act 2000 to investigate marine casualties and publish reports of such investigations. Under the 2000 Act, the MCIB is mandated to examine and, if necessary, carry out investigations into all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways. This includes commercial cargo and passenger shipping, licensed fishing vessels and recreational and leisure craft. Section 8 of the 2000 Act provides for the independence of the board, while section 9 provides for a five-person board comprising three persons appointed by the Minister for Transport, the chief surveyor of the Department of Transport and the Secretary General of the Department, or his or her nominee.

The MCIB is also designated as the investigative body in the State for the purposes of EU Directive 2009/18/EC of 23 April 2009, which established the fundamental principles governing the investigation of accidents in the maritime transport sector. The directive applies since 2011 to a subset of the marine casualties that come within the remit of the MCIB. The purpose of an investigation is to establish the cause or causes of a marine casualty, with a view to making recommendations for the avoidance of similar marine casualties. It is not the purpose of an investigation to attribute blame or fault. The MCIB is a non-prosecutorial body which does not enforce laws or carry out prosecutions arising from the findings of its investigations.

In March 2019, the EU Commission lodged a case with the Court of Justice of the European Union, CJEU, expressing concern at the independence of the MCIB in the context of the independence requirements of Article 8.1 of Directive 2009/18/EC with particular regard to the membership of two officers of the Department of Transport, namely, the chief surveyor and a nominee of the Secretary General on the board. On 9 July 2020 the CJEU issued a judgment concerning the independence of the MCIB insofar as its investigative work falls within the scope of Directive 2009/18/EC. The court declared that by failing to provide for an investiga-

tive body which is independent in its organisation and decision-making of any party whose interests could conflict with the task entrusted to that investigative body, Ireland has failed to comply with its obligations under Article 8.1 of Directive 2009/18/EC. The issue was the presence of two departmental officials on the board, who were seen as persons whose interests could conflict with the task entrusted to the MCIB. There was no finding of wrongdoing on the part of any members of the board. The State addressed the court findings through the resignation of the two board members from the board on 30 July 2020 and the introduction of amending regulations under the European Communities Act 1972, to confirm that the two members are no longer board members for the purpose of investigations that fall within the scope of the directive.

However, while these actions address the CJEU ruling from an EU perspective, separate legislative revisions are required at a national level for a number of important reasons. First, to facilitate the appointment of new members to the MCIB to fill the existing vacancies on the board. Second, to remove risks associated with the current reduced board membership of only three persons and to ensure that the board can continue to meet the quorum requirements of the 2000 Act, which stipulates a quorum of three members for a meeting of the board. Third, on grounds of consistency to encompass the broader spectrum of investigations that come within the remit of the MCIB under the 2000 Act and fourth, to ensure that the board can continue to function to meet our EU and international obligations to have an independent marine casualty investigative body in place. The Bill that I present to the House today will address these issues.

I now wish to look at the content of the Bill, which consists of 16 sections. As already outlined, the main focus is to facilitate a revised board composition for the MCIB and the appointment of new board members. The Bill also provides for other necessary operational and technical revisions to the 2000 Act to support the ongoing independent functioning of the MCIB. The opportunity has also been taken in the Bill to update the definition of “safety convention” in the Merchant Shipping (Safety Convention) Act 1952, which relates to the International Maritime Organization’s International Convention for the Safety of Life at Sea, SOLAS. This is being done to facilitate the transposition of some convention amendments since December 2014 into Irish secondary legislation.

Section 1 of the Bill is the interpretation section. It provides for a definition of the Act of 2000, that is, the Merchant Shipping (Investigation of Marine Casualties) Act 2000, No. 14 of 2000, which is the focus of the amendments set out in sections 2 to 12, inclusive, of the Bill. As already mentioned, the 2000 Act is the Act that underpins the establishment and the operation of the MCIB. Section 2 removes the definition of “chief surveyor” from the interpretation section of the 2000 Act as it is no longer required because the chief surveyor is no longer a member of the board of the MCIB.

Section 3 is one of the most important sections of the Bill, as it amends section 9 of the 2009 Act, which relates to the composition of the board of the MCIB. The section provides for a substitution of section 9 of the 2000 Act to provide for a new composition of the board of the MCIB based on a minimum of five members and a maximum of seven members appointed by the Minister for Transport. References to the chief surveyor and the Secretary General of the Department of Transport, or his or her nominee as members of the board, have been removed. The section facilitates the appointment of new board members and provides some flexibility on the total number of members in recognition of the limited pool of persons with appropriate maritime or other expertise who may be interested in putting themselves forward for consideration as a member of the board. However mindful of the CJEU judgment, the section precludes serving officers of the Department of Transport or certain officers or special advisers to Minis-

ters or Ministers of State who held a position in the Department in a previous five-year period from being eligible for appointment as a member of the board.

Section 3 also sets out a framework of desired skill sets for potential board members in the interest of maintaining knowledge and expertise on the board. The list is not exhaustive but includes knowledge, experience and expertise in such matters as accident investigation, corporate governance and management, marine engineering, nautical science or navigation, naval architecture, maritime law and regulation, health and safety management and risk management. The possibility of increased membership will facilitate the addition of further expertise on the board. The revised section introduces a specific consideration of board gender balance when the Minister of Transport is appointing members of the board. This is in line with the Government's commitment to achieve gender balance on State boards and the code of practice for the governance of State bodies.

Section 4 amends the tenure of office provisions in section 10 of the 2000 Act that apply to board members and removes the age threshold for members. The chairperson and members of the board may be appointed for an initial period not exceeding five years and may be reappointed for a second term. In accordance with the updated code of practice for the governance of State bodies, membership of the board will be limited to two terms of appointment.

Section 5 is a minor technical amendment to section 11 of the 2000 Act to adjust a cross reference in the section arising from the revised construction of section 9 of the 2000 Act under section 3 of the Bill.

Section 6 amends section 14 of the 2000 Act, which relates to the quorum for a meeting of the board and vacancies on the board. The amended section clarifies the possible composition of the three-person quorum, including when the chairperson and deputy chairperson are not in attendance at a meeting or are required to withdraw at the same time due to conflict of interest issues. As in other sections of the Bill, some consequential amendments to section 14 are provided for, arising from section 3 of the Bill and the revised composition of the board.

Section 7 expands the scope of section 16 of the 2000 Act relating to consultants, advisers and investigators to facilitate the engagement of additional expertise by the board to assist it in the performance of its functions under the Act. All references to investigators nominated by the chief surveyor from the Marine Survey Office, MSO, have been removed from the section to confirm the current situation where no Marine Survey Office personnel are involved in investigating marine casualties on behalf of the MCIB.

Investigations are conducted by investigators from a panel established by the MCIB. Section 8 is a consequential amendment and amends section 17 of the 2000 Act to apply the disclosure of interests requirements of that section to any other provider of skills or expertise engaged by the board under the amended section 16 of that Act.

Section 9 amends section 18 of the 2000 Act to bring a greater consistency between the provisions of the 2000 Act and the regulatory regime that applies to marine investigations that fall within the scope of EU Directive 2009/18/EC, which governs the investigation of accidents in the maritime transport sector, with regard to confidentiality and the unauthorised disclosure of confidential information.

Section 10 provides for an important specific requirement for persons who are involved in or aware of a marine casualty to notify the MCIB of information regarding the marine casualty

through an amendment of section 23 of the 2000 Act, which deals with the initial notification of marine casualties.

Mindful of the CJEU judgment and the independence of the MCIB, section 11 amends section 26 of the 2000 Act in relation to investigations, to remove the requirement to consult with the Minister for Transport when the board decides to investigate a casualty that falls within section 26(1)(b) of the 2000 Act.

Section 12 amends section 34 of the 2000 Act to bring a consistency between the timeframe for the publication of investigation reports by the board under the 2000 Act and those that fall within the scope of Directive 2009/18/EC. The amendment provides that the board will endeavour to publish an investigation report within 12 months of the occurrence of the marine casualty rather than within nine months of the notification of the casualty. At least one interim report within 12 months of the occurrence of a marine casualty will be required if the board is not in a position to publish a final report within that 12-month period.

Section 13 is not an amendment to the 2000 Act. It is a new, stand-alone provision in the Bill that will require persons to notify the Marine Survey Office when a marine casualty within the meaning of the 2000 Act occurs. This is an important provision and recognises the fact that the Marine Survey Office continues to have an interest in knowing about marine casualties, in particular where there may be implications for the safety of vessels, crew, passengers or the environment, and where there are regulatory compliance issues that need to be addressed or followed up. To reflect the provisions of section 1(4) of the 2000 Act, the requirements of the section do not apply to vessels of the Naval Service of the Defence Forces. Warships of another state are also excluded, in order to be consistent with the application of Directive 2009/18/EC. The offence provisions in the section are in line with those that apply to similar offences under the 2000 Act.

Section 14 is a transitional provision to confirm the continuation and completion of any MCIB investigations that may have been commenced and have not been completed on the date of the enactment of the Bill. To remove any doubt, the section also confirms the continued appointment of the three remaining members of the existing board for the unexpired term of their appointments under the 2000 Act.

Section 15 provides for an amendment of section 3(1) of the Merchant Shipping (Safety Convention) Act 1952 to substitute and update the definition of “safety convention” in that Act. The definition was last updated in 2014. This will facilitate the transposition into Irish secondary legislation of some recent amendments to the International Convention for the Safety of Life at Sea, the SOLAS convention, that have been adopted up to and including the 99th session of the maritime safety committee of the International Maritime Organization in May 2018. The SOLAS convention is an important international convention concerning the safety of merchant ships. The main objective of the convention is to specify minimum safety standards for the construction, equipment and operation of ships. The convention has been updated and amended on numerous occasions and is subject to change on a continuous and almost annual basis by the International Maritime Organization, thus necessitating periodic updating of the enabling provisions in Irish primary legislation.

Section 16 is a standard legislative provision providing for the Short Title, collective citation and construction of the Bill.

As indicated at the outset, the primary aim in presenting this Bill for the consideration of the House is to amend the existing legislative framework that relates to the MCIB in order to ensure the continued functioning of the board as the maritime investigative body in the State, by facilitating the filling of vacancies on the board and the appointment of additional board members, and thereby removing the current risks associated with a reduced board membership. The proposals contained in the Bill will enhance the organisational independence of the MCIB in carrying out its important role in investigating marine casualties, establishing the cause or causes of those casualties and making safety recommendations for the avoidance of similar incidents in the future. I commend the Bill to the House.

Deputy Darren O'Rourke: I welcome the opportunity to speak on this Bill. The importance of the State's accident investigative units was highlighted in recent weeks with the publication of the final report into the R116 crash off the Mayo coast in 2017, which was a report and investigation conducted by the Air Accident Investigation Unit, AAIU. This report laid out the extensive investigation carried out by the AAIU and made 42 safety recommendations to a number of parties, aimed at trying to prevent another terrible tragedy. The AAIU has responsibility for aviation accidents, while the Railway Accident Investigation Unit has responsibility for incidents on our railways and the equivalent for our vast maritime area is the Marine Casualty Investigation Board.

The MCIB was established in March 2003 under the Merchant Shipping (Investigation of Marine Casualties) Act 2000. In 2019, the MCIB commenced full investigations into ten separate incidents, which was double the number investigated in 2018. This included accidents at sea, in recreational fishing, kayaking and in the cargo shipping area. Three sinkings, six fatalities and one injury were also investigated by the MCIB in 2019. Its work is vital and I commend the investigators, the secretariat and the board on their essential work. I am, however, deeply concerned that the MCIB is not appropriately structured or resourced by the Government to a level commensurate with its degree of responsibility.

The Joint Committee on Transport and Communications Networks heard evidence earlier this year that what we need for the maritime sector is an independent investigative unit headed by a full-time principal investigator, with full-time assistance from qualified maritime professionals, in line with what is currently in place for the aviation and rail sectors. That makes complete sense. Unfortunately, that provision is not in this Bill. This Bill, as the Minister of State has mentioned, is urgently needed in order to fill vacancies left at the MCIB as a result of a European court ruling last year. In July 2020, the Court of Justice of the European Union found that the composition of the MCIB was not adhering to EU regulations against potential conflicts of interest. Specifically, this concerned the chief surveyor and the Secretary General of the Department of Transport, or their nominees, who were members of the board. Their membership could have been a conflict of interest, as the Department of Transport could be a party to any MCIB investigation. The two board members in question resigned their positions in the aftermath of the judgment and the board now comprises three members, with no process to fill the vacancies. This Bill will allow for the appointment of new board members, with a minimum of five and maximum of seven on the MCIB. While I welcome the ability of the board to gain new members and function effectively, this is just a sticking plaster when we consider what is needed, which is overall reform.

As mentioned, the Joint Committee on Transport and Communications Networks heard evidence on the need to reform and beef up the MCIB. I thank Mr. Michael Kingston and Mr. Ciaran McCarthy, who appeared as part of the pre-legislative scrutiny process on this Bill in

early 2021 and provided helpful assistance to members of the committee. In his evidence to us, Mr. Kingston highlighted the financial disparity with the other two investigative units, namely, the AAIU and the Railway Accident Investigation Unit. In 2019, the MCIB spent €27,000 on investigators in the field for ten incidents, including, tragically, six deaths in the maritime sector. A total of €750,000 was spent on aviation and €350,000 was spent on rail. These are the amounts spent on investigators in the field, leaving aside spending on administrative staff. This gap in funding highlights the significant difference in approach. Again, I do not wish to criticise the individuals working at the MCIB but we need comprehensive reform and proper resourcing to bring it into line with the two equivalent accident investigative units.

The function of the MCIB is to examine and carry out investigations into all types of marine casualties to, or on board, Irish registered vessels worldwide and other vessels in Irish territorial waters and inland waterways. Ireland's maritime area is seven times the size of its landmass, with 7,500 km of coastline, not to mention our inland waterways. It is a vast area with complex and often dangerous vessel movements and we need a fully resourced investigative unit to match this.

Brexit has resulted in a huge increase in the number of direct shipping routes to the Continent, which is welcome. There are now 44 direct ferry routes between Ireland, France and the Benelux countries, up from just seven before Brexit. While thankfully we do not see many accidents in this area, it is a significant increase in the number of vessels, vehicles and personnel using our ports and taking longer journeys at sea, which will undoubtedly give rise to the potential for an increase in accidents. In addition, it is the State's ambition to develop 5 GW of offshore wind power over the next decade. This will see a huge increase in activity at our ports and construction in our seas to build the offshore wind turbines. Again, this will result in a significant increase in vessel and personnel movements and more complex operations to install the turbines offshore. I am not suggesting this cannot be done safely but with such a major increase in activity in this area, it is absolutely appropriate to have a fully funded and adequately resourced maritime investigative unit to try to reduce the number of potential incidents and ensure that any accidents are investigated and learned from quickly.

The need for codification of marine law has also been highlighted previously but this Bill does not do that. The Bill refers to Merchant Shipping Acts going back as far as 1894. Some of this law was drafted before the State came into existence and when the merchant shipping fleet would have been largely sailing ships, not even steamships, not to mention the diesel ships that we have today. It is very difficult for stakeholders to untangle the complex web and find out what is required of them, which can only have a highly negative impact on compliance. It is clear this area is crying out for codification but the Government has said it will get back to it later as it needs to progress this particular Bill quickly.

In its pre-legislative scrutiny report, the Oireachtas committee stated that it welcomed the commencement of the Department's review into our national marine investigation framework and looked forward to receiving a copy of the Clinch report as soon as possible. When will we see that report? We are very anxious to see it. The Minister of State referenced it in her opening remarks. It is important that committee members see it in advance of the Committee Stage debate on this Bill during which we will want to submit various amendments.

Sinn Féin recognises that this is important, technical legislation but as it is presented, it is a missed opportunity. It should have gone further and addressed the fundamental weaknesses, outside of the structural pieces, in the MCIB. We acknowledge that the Clinch report is com-

plete and that we have a tentative commitment from the Government to consider legislation in the time ahead but we need to see more. We will be bringing forward amendments on Committee Stage that will enshrine that commitment in this legislation. I look forward to working with the Minister of State, members of the committee and other Members across this House to improve this legislation. It is necessary legislation and the measures provided thus far are necessary in terms of compliance with European law but we have a long way to go to deliver an investigative framework and system that is fit for purpose.

Deputy Pádraig Mac Lochlainn: My colleague, an Teachta O'Rourke, has already outlined Sinn Féin's approach to this Bill. We see it as a missed opportunity and hope the Minister of State will work with us on the substantive amendments that we will submit on Committee Stage, aimed at strengthening this legislation considerably.

I want to offer my solidarity to all of the families who have found themselves in the terrible position of having to engage with marine casualty investigations. As fisheries and marine spokesperson for Sinn Féin, I have a particular interest in ensuring that we minimise fishing tragedies as much as possible but that when they do happen, the most professional and swift investigations are carried out and comfort is given to bereaved families.

There are many misgivings about the current system and its shortcomings. These misgivings have been well articulated by those who have had the misfortune to have had to engage with the MCIB over many years, none more so than the respected campaigner Michael Kingston. During the Oireachtas committee's pre-legislative scrutiny hearings, Mr. Kingston put it on record that he has engaged with a multitude of departmental officials, current and former MCIB investigators and former departmental surveyors, all of whom have deep reservations about the current system. These reservations cannot be brushed under the carpet because to do so would be a disservice to all those who have passed due to marine tragedies and their families.

I want to take this opportunity to read into the Dáil record the ongoing experience of the families of Gerry Doherty and Thomas Weir who both drowned in a boating tragedy near Portronan, Malin Head in Donegal on 17 July 2018. As Gerry's father, Paddy, had drowned in a crabbing accident when Gerry was a teenager, this was a double tragedy for his family who are very traumatised by all of this. There are serious questions about how the emergency response system of this State handled this tragedy on that fateful day and since. The families have serious issues with the MCIB investigation into the circumstances surrounding their loved ones' deaths and the level of co-operation from the MCIB with the ongoing inquest into their deaths. I ask the Minister of State to take a particular interest in this case because I have no doubt that more will be revealed in due course. This is another reason for serious reform of the board and its practices.

The EU judgment that demands this legislation has affirmed these concerns but this Bill is only one piece in the jigsaw that will fix it. The MCIB must be entirely independent of any other State agency or body and must have complete autonomy. Until this happens, doubts and questions will persist and this cannot continue. Mistakes have been made in the past. They must now be rectified and we must get this right. Failures that have occurred in the past have compounded hurt and made difficult situations even harder for survivors, loved ones and colleagues. These failures cannot happen again. As legislators, we must ensure that this legislation is only the start and not the end of a reform process.

To continue with part-time investigators in the marine area is entirely unacceptable. Mi-

Michael Kingston has previously provided data on spending in the aviation and rail sectors compared to the marine sector and has pointed to the fact that those two sectors have full-time investigators despite, thankfully, having no deaths to investigate. It is imperative that we have full-time investigators for marine investigations. This is a must. The approach to the MCIB reflects the approach to the fisheries and marine sector in general in this country. We are the only island nation in the entirety of the EU now but fishermen in this State feel failed, neglected and abandoned by the Department and other State agencies. The approach to this board and how it has been allowed to continue for so long reflects the utter neglect of our marine resource and our marine communities by Government after Government. That is to be straight about it. It must stop. The process in terms of the legislation must be of the highest standard to recruit the best qualified individuals.

I want to conclude by thanking Michael Kingston and others, notably, Ciaran McCarthy, who have given years of dedicated and selfless work to this issue for the greater good. I stress again that the priority must be getting this right. We must have a new system that can be trusted. Victims, survivors and their family members and loved ones deserve nothing less.

Deputy Duncan Smith: I commend the two previous contributions, in particular that of Deputy Mac Lochlainn. This is a technical Bill, but all Bills and everything we do in this House have an impact in the real world and to hear the stories shared by him brings home that fact.

On the surface, this is a straightforward task as the legislation before us is a technical Bill that it is legislating and resourcing the State to continue maritime regulations and provide for an investigative body to examine maritime accidents. The EU Commission lodged a case with the Court of Justice of the European Union expressing concern at the independence of the Maritime Casualty Investigation Board, how the board is filled and the role of the Department and the Minister. In July 2020, the CJEU issued a judgment expressing Ireland's failure to provide for an investigative body that is independent in its organisation and decision-making of a Department or Minister who brings forward the legislation that regulates the sector. Since then, we have had two resignations from the board in light of the ruling.

This legislation must provide for a Marine Casualty Investigation Board that is truly independent of those who regulate it. It only makes sense that such a division would be in place to ensure that investigations are independent and can deliver impartial conclusions that would have the trust of all.

Considerable concerns in regard to the legislation that governs the MCIB were raised by Michael Kingston, an expert in this area who engaged with the Joint Committee on Transport and Communications Networks. His testimony was extensive and unbelievably commendable. He is a man of real expertise in this area. He held the attention of the committee through his sheer depth of experience. He is one of the strongest witnesses I have ever come across in any committee in this House or other forum. Through the committee, issues relating to the legislation were discussed, following a briefing. If it was not for Mr. Kingston, perhaps the Bill would not have received such a level of scrutiny. The independence of the MCIB is a legal requirement upon the Government. The CJEU judgment has outlined this to the State, and it must be ensured that the MCIB is appropriately appointed and is independent in its brief. As Deputy O'Rourke indicated in his contribution, we cannot miss this opportunity. It would be a missed opportunity if the Bill goes through without that being done.

The board investigating marine accidents is a part-time board operating panels of investiga-

tion which, as Mr Kingston outlined in the committee, receives minimal support, co-operation, and resourcing. The board must be disbanded and an independent full-time, permanent investigation unit established with a principal investigator and a team of investigators, all of whom should be drawn from within the sector and have the appropriate expertise.

The Government attempted to waive pre-legislative scrutiny on this Bill. That action alone speaks to how the Marine Casualty Investigation Board is viewed and how seriously it viewed the judgment of the Court of Justice of the European Union. The judgment was not a good look for the Government, and by failing to provide for an investigative body which is truly independent in its organisation and decision-making Ireland would fail to comply with its obligations under Article 8.1 of Directive 2009/18/EC.

Compared with the aviation and rail sectors, where there are full-time investigative units and where far more funding is spent on investigating and drawing conclusions on accidents, the marine sector and its investigative body and processes pale almost into insignificance. When one compares the investment per mortality, it is €750,000 per mortality in aviation; €350,000 per mortality in rail and €2,700 per mortality in the maritime area. The situation does not bear comparison and is unacceptable.

We heard statements last week regarding the tragic air disaster of Rescue 116. We have seen far too many road accidents and marine accidents over many years that have shaken communities and us personally. These incidents are heartbreaking for all those involved. All of us in this House empathise with the bereaved. Losing someone to a tragedy touches many with grief and the grief should not be further compounded by a system of investigation that is not up to recognised international best practice. If we allow the Bill to go through unamended, we will have an investigation unit that is not based on international best practice.

Since the start of the current Dáil, the Air Navigation and Transport Bill has gone through these Houses dealing with similar issues in aviation. As I outlined, in our rail and air investigation systems the processes are deemed adequate and they receive ample resourcing to carry out their serious and vital work. It is our role as legislators to ensure that should people be involved in marine accidents, there is parity with other sectors in terms of how the investigations are conducted.

It is not an unfair demand to properly resource an investigative unit in the marine sector; it is the bare minimum of expectation that should be authorised by the State. Fundamentally, investing in this appropriately only serves to make our waters safer for those working in the sector. We should not be constrained by finances. When we are dealing with tragedies, we must be able to get to the truth and be able to trust the judgments of investigations.

The purpose of MCIB investigations is to examine and identify safety learnings and make recommendations on issues for the Department. With the objective to make the marine industry safer, however there remains concern that this Bill will further delay the publication of reports and their safety recommendations. This would lead to prolonging the suffering of those involved in accidents and risks delaying additional safety measures from being actioned. The Bill must ensure timely investigations are carried out. I look forward to tabling amendments, along with my colleagues in the Opposition, on Committee Stage to strengthen the Bill and make sure we have a marine investigation unit that is on a par with best practice internationally.

Deputy Cathal Crowe: The printer in the office decided to pack it in and the battery in my

laptop is on the brink, so I might be ad libbing in a moment. We will see how it goes.

The legislation before us today allows for the continued independent functioning of the Marine Casualty Investigation Board but it is important to refer to the progression of the legislation to date, specifically the work that I and other colleagues, including Deputy O'Rourke, have been undertaking at the Oireachtas Committee on Transport and Communications. The committee sought extensive pre-legislative scrutiny, but the Marine Casualty Investigation Board and the Department of Transport were insistent that the Bill needed to progress at a rapid pace. Reluctantly, we acceded to the request and our waiver of pre-legislative scrutiny was conditional on the Department of Transport publishing and making available the Clinch report, which was drafted by Captain Steve Clinch, of the UK-based Clinchmaritime Limited. This was a Government-funded independent review of Ireland's marine casualty investigation structures. The key aims of the review and the Clinch report were to assess the current organisational structures of the Marine Casualty Investigation Board and set out in report format to the Minister for Transport any recommendations, including changes to achieve the most appropriate and effective marine casualty investigation structures in Ireland, taking into account our national and EU obligations. It is very frustrating that thus far, the Clinch report has been withheld. It must be released as a matter of urgency. I understand that one of its key recommendations is to establish a professional full-time unit to investigate marine casualties. Currently, we have a part-time investigation board, staffed by part-time investigators. In order to properly provide for marine investigations in Ireland, surely we need to know the A to Z of the Clinch report and, where appropriate, to stitch its key recommendations into legislation.

The realm of marine casualty investigation is very much the poor relation of air and rail accident investigation in this country. If we take 2019 as a base year, the Air Accident Investigation Unit, which is a full-time unit, had an operational budget of €750,000. The Railway Accident Investigation Unit, which is also a full-time unit, had an operational budget of €350,000. In the very same year of 2019, in which six lives were lost in our territorial waters, the part-time Marine Casualty Investigation Board had a paltry budget of €27,000. In 2019, the board investigated ten maritime incidents, which breaks down into a spend per incident of €2,700.

I wish to reference the marine hazards report which found that the awful sea tragedy off the coast of Kilkee, County Clare, in 2016, which saw Coast Guard volunteer, Caitriona Lucas, lose her life, was not properly investigated. If we had proper procedures on and proper oversight of maritime safety, this incident or accident might not have happened, and poor Caitriona - ar dheis Dé go raibh a h-anam - might not have lost her life. It is a "what if" but it is a "what if" that needs to be considered as we consider this legislation.

I want to conclude my remarks by paying tribute to Michael Kingston, who has been in touch with many of us on the transport committee. He is a most excellent witness, somebody who, unfortunately, has lived through the tragedy of marine accidents himself. He knows this issue far too well and he has devoted much of his professional life to looking at how we can have an effective, well structured and robust marine accident investigation outfit in Ireland. We need to look at much of what he has put forward. The Clinch report needs to be expedited and considered parallel to this. It cannot just be ignored. We cannot have key recommendations coming out of that and then realise - hang on a minute - in winter 2021, we had an opportunity in this legislation to deal with this but we did not, and the report issued a few months later. I do not think that can happen. The two have to be looked at and considered on balance together and in parallel.

Deputy Martin Kenny: As has been said, this legislation, along with the movement towards rectifying the difficulties due to the judgment, is welcome and needs to be progressed as quickly as possible. However, there are other serious issues that we all need to consider. When we think of Ireland as an island nation, the large territorial waters we have around our island and our maritime tradition, and the fact the investigation board that is in place is part-time, poorly funded, with an *ad hoc* structure and without the same level of commitment from Government that other agencies have, it is a poor reflection on how past Governments and the present Government have invested in the safety of people who are at sea and, as was mentioned, on the inland waterways as well. I am conscious that when we look at other agencies, such as the aviation units and units dealing with rail, or when we look internationally at the maritime investigation units in other countries which are practically landlocked and perhaps have a small coastline, but have multiples of the investment which we put in, it is a poor reflection given where we need to go.

Mention was made of the fact we have had a large number of tragedies over the decades, where, unfortunately, many people in our fishing community have been lost at sea and in other incidents as well. Our hearts always go out to those people because even those of us who may not go on the waterways or out to sea very often recognise the huge risk that people take when they go to sea and the danger they face in all of that. Yet, they continue to do it to make a livelihood, to try to survive and to feed their families, and to contribute to often dwindling coastal communities, which are under extreme pressure in many cases. The fact the State is seen to take it in such a derisory way, given the amount of money that is put in place and the level of commitment for this unit, is reflected in what has happened up to now.

What we need to see is not just this legislation being expedited as quickly as possible, and we recognise the urgency of this, but, clearly, a whole new framework needs to be put in place. I hope the Clinch report will deliver the template for that to happen. That report needs to be published as quickly as possible and, then, we can get to the real work of delivering its recommendations. I encourage the Minister and the Government to do that as quickly as possible.

Deputy Catherine Murphy: I do not know how many times I have stood in this House to criticise our lax record on implementing EU directives. We are constant laggards when it comes to EU law, and that goes across Departments, but in this particular case, instead of delaying the implementation, we seem to have just pretended that we had properly transposed the legislation and hoped the European Commission would not notice there were two departmental officials sitting on the independent Marine Casualty Investigation Board. Of course, not only were we knowingly going against an EU directive - because I do not for one instant believe that the Department thought this arrangement constituted independence - we also knowingly went against established best practice.

In 1987, a UK ferry, the *Herald of Free Enterprise*, left a Belgian port with its bow door open and the sea immediately flooded the decks. The ferry capsized within ten minutes, killing 193 passengers and crew. I remember the incident very well and what transpired afterwards in terms of the safety that was insisted on, in particular making sure doors were closed and that there were public announcements, and so on. The public inquiry into it resulted in the establishment of the UK's Marine Accident Investigation Branch. In the following years, many other countries followed suit and set up similar organisations.

Unfortunately, we waited until 1998 to consider setting up our own investigation structure. A report was commissioned and people were dispatched to various places around the world to

observe best practice, noting that bodies should be independent and should contain maritime experts. Incredibly, we then concluded that we should ignore all of that best practice and have the Secretary General of the Department of Transport and the Chief Surveyor of the Marine Survey Office on the board, and we proceeded to include no other people with maritime expertise. This was to act directly and consciously against the best practice which was observed in other jurisdictions, not to mention against basic common sense in that the two regulators in the area should not be investigating themselves. I would have thought this was self-evident, although I know this was before the Minister of State's time.

In the 2000s, the EU produced a suite of legislative packages - Erika 1, 2, and 3 - which were all intended to improve safety in the shipping industry and reduce environmental damage. The packages were named after a particular ship which spilled more than 10,000 tonnes of oil off the coast of France in 1999, polluting 400 km of coastline. We also had experience of that in previous decades. What followed was Directive 2009/18/EC, the directive which we were found to have contravened. It outlines that an investigative body carrying out marine safety investigations shall be independent in its organisation, legal structure and decision-making of any party whose interests could conflict with the task entrusted to it. We have to remember the whole purpose of this report, as we discussed last week in regard to R116, was not to apportion blame but to ensure we ended up reducing the number of accidents - in that case, making our skies safer, and in this case, making the marine environment safer. When I say "the marine environment", I understand this entity is not confined to the coast but also covers lakes and inland waterways.

We transposed that directive in the full knowledge that the board was not independent, by any understanding of the word. In 2015, the European Commission asked for clarity from the Department on the implementation of the directive, noting that the Chief Surveyor and the Secretary General "performed other regulatory and enforcement functions in respect of the regulations in the field of maritime transport and/or fisheries", and we did nothing. In 2016, the European Commission rightly commenced infringement proceedings against the State and incredibly the Department argued that the make-up of the board of the MCIB constituted independence. What on earth was the Department thinking about when it challenged this? Why did it not accept that this was not really something that could be challenged? I would like to hear what kind of advice was received in this regard and from whom. It would be useful if the Minister of State could explain that when she is summing up. Did the Department receive legal advice which encouraged it to challenge the European Commission's decision? In the Committee of Public Accounts I am forever asking the State Claims Agency what it is advising Departments on or how it comes about that things are being challenged which should not be challenged. How much money did the State spend on this case? It is a case we seemed destined to lose and that we deserved to lose. The MCIB needs to be completely independent. It needs to contain maritime experts and not only legal experts who rely on independently contracted investigators to carry out reports.

Crucially however, the investigation of maritime casualties needs to be resourced. The *ad hoc* nature of resourcing given to this area is appalling. We have investigation units for the rail and aviation industries, as has been pointed out by others. It is not a foreign concept to us that these units are required and it is good practice to have them. In 2019, €350,000 was spent on rail investigators and €750,000 was spent on aviation investigators and thankfully there were no deaths in those sectors during those years. In the same year only €27,000 was spend on investigators in the maritime industry on ten incidents, including six deaths. It is unacceptable to

take such a hands-off approach to investigating maritime casualties. The board does not contain maritime expertise, it is only now becoming independent from the regulator, it is part-time and all reports are done through independently contracted investigators that are under-resourced. There is an *ad hoc* nature to what is and is not investigated. There do not seem to be clear protocols on that and it would be useful to hear what is intended in that area.

On the topic of the reports themselves, there are many alarm bells ringing. It was reported last year that a file had gone to detectives in the National Bureau of Criminal Investigation, which alleged that Department officials had been interfering in reports from the MCIB, altering investigative reports which made criticisms of the Department and removing safety recommendations made by investigators. That is only an allegation but it sets off alarm bells. It is a serious charge to lay at the Department's door and is exactly the kind of situation which is to be avoided by having an independent investigative body in place. The reports produced by this body are not intended to make the Department of Transport look good. That is not what the purpose of this body is; it is to prevent accidents happening in the future and to find out what happened in particular incidents. The body should be entirely focused on improving safety and environmental issues. The intention is to learn from incidents and prevent future casualties. The suggestion that these reports were altered to remove safety recommendations and that lives were possibly put at risk is something we need to be concerned about. As I said, it is an allegation at this point.

The MCIB does not investigate every single maritime incident which is reported to it. However, there is no clarity to or transparency in the process on how it is decided whether or not it will investigate an incident. Not all of these issues are addressed in the Bill. I share the concerns of other Deputies that the Bill does not go far enough and I am concerned that it is a sticking plaster. We need a timeline for when a more comprehensive approach will be taken. I accept that the quorum for the board needs to be raised in the immediate term, but this Bill cannot be seen as anything other than an interim measure. If we want to be serious about maritime safety then much more needs to be done. We do not need to wait until the EU passes a new directive or hauls us through the courts to make further reforms. We know problems exist beyond what is addressed here and we know that the investigation of marine casualties needs a serious overhaul.

I expect that this is not news to the Minister of State. I understand that a report on the MCIB is sitting on her desk at the moment. This report was mentioned by other Members and it was commissioned from Clinchmaritime Limited. It makes a number of recommendations for reform. Is it likely that we will see any amendments on Committee Stage as a result of that? Will that report inform that process or is this the extent of what we can expect? I have not seen the report and I encourage the Minister of State to release it. We cannot pass legislation like this when we know there is a deficiency and that more needs to be done. This does not exclusively happen in transport; it comes up in justice quite a lot as well but we often put a gun to our heads in setting a timeline to put something in place because we are not complying with EU law.

We need to know what exactly has gone wrong in the MCIB to date. This would inform a new Bill to provide an appropriate investigation system. That system may constitute an entirely new body. We are an island nation, which others have referred to, and we also have a culture, born out of necessity, of a strong maritime industry. Pre-Brexit, we were establishing more ferry routes and relying more on the sea bridge to mainland Europe now that the land bridge is less accessible.

We are all aware that the fishing industry is often a dangerous one to work in. Incidents, fatalities and losses at sea are often reported. I note that this Bill would make it an offence to not report an incident within six months. I understand that the intention behind this is to attempt to ensure that all incidents are reported. However, I would worry that the threat of an offence may have the opposite effect. You would hope that people would buy into this and accept that it is being put in place in the interests of safety. The no-fault nature of the investigation body is key to ensuring that the industry is as safe as possible. It ensures that people feel comfortable coming forward to report incidents without fear. It may well be that more than regulation will be imparted and that training and expertise are also imparted. Has a regulatory impact survey been done on this measure in particular? I know the Committee on Transport and Communications has asked that this section be removed until the committee can give it further scrutiny.

It is self-evident that we need to ensure that we have the highest possible level of safety in our maritime industry. I will be watching out for the Minister of State to respond on what is intended. None of us could accept that this will be sufficient to properly put a system in place that achieves a safer environment for people to work in. I hope that serious note will be taken of the extent of the resourcing of the investigative board and of the *ad hoc* nature of what does and does not get investigated. That is important and several Members have made the exact same point on that.

Deputy Joe Carey: I am a member of the Joint Committee on Transport and Communications.

4 o'clock

The Minister of State, Deputy Naughton, will be aware of the extensive pre-legislative scrutiny that took place on the general scheme of this Bill dating back to January last. The reason we as a State are introducing this legislation is that Ireland has had an illegally constituted Marine Casualty Investigation Board for some time. This Bill seeks to rectify that situation following the embarrassing judgment of the Court of Justice of the European Union entered against Ireland on 9 July 2020.

However, this Bill simply does not go far enough as it does not address the fundamental failures of our marine casualty investigation system. The refusal over the years to fix these problems has led to multiple unnecessary deaths in the Irish maritime sector and it is happening in the wake of the Rescue 116 report which highlighted staggering systematic failures by the Department of Transport. The reality is if you do not investigate marine tragedies correctly you cannot identify the root cause of those tragedies and you cannot save life going forward, which is the very purpose of international and EU regulations. There are so many failed Marine Casualty Investigation Board, MCIB, reports that have not identified the root cause of maritime accidents. These reports, including the one on the late Caitríona Lucas in Kilkee on 12 September 2015, have not made appropriate recommendations. Families across Ireland, including the families of the late John O'Brien and his friend, the late Pat Esmonde, are left in bewilderment as to what happened to their beloved relatives which is a fundamental breach of their rights as victims under the European Convention on Human Rights.

In initiating this Bill, the Department sought to avoid pre-legislative scrutiny. The Department argued that the Bill was urgent for the functioning of the MCIB in that if the Bill goes through it will increase the composition of the MCIB for quorum issues while a formal review is carried out. Crucially, that review has now been carried out by Captain Steve Clinch and was

submitted to the Department in July 2021, which is four months ago. Despite several requests, the Department has not disclosed this report. The Joint Committee on Transport and Communications has formally requested it and as late as Thursday last, at a meeting of the committee, I requested this document once again. However, the Department will not release it citing legal issues.

The Bill before us today finally presents the Oireachtas with an opportunity to fix a broken system and bring the State into line with international best practice by introducing into law the recommendations of the Captain Steve Clinch report. As the Minister of State will be aware, the current MCIB is run on a part-time basis and investigations are carried out by part-time investigators. This model is utterly insufficient. The investigators are also appointed to a panel on a short-term basis with minimal support, co-operation or training.

The concept of a board with part-time board members that have no maritime experience needs to change. What is required is a maritime accident investigation unit with a principal investigator. For example, the Marine Accident Investigation Branch, MAIB, in the UK has a chief inspector who heads up the unit and a team of investigators with relevant competencies. The MAIB chief investigator reports directly to the Minister and is thereby empowered to make all operational decisions. Indeed, similar models are operated in many other countries, such as Iceland and Finland. Sweden goes a step further and bypasses the department of transport altogether, reporting to the Ministry of Justice, which makes absolute sense. In The Netherlands, they go a step further again, and have an independent national safety board encompassing transport, defence, healthcare and other areas, thus avoiding any political interference in accident investigation, which should be our ultimate aim in Ireland.

I have concerns that the Bill before us is in fundamental breach on the substantive point of competence as required by the EU directive. This Bill needs to be dramatically improved with a view to ensuring that we as a State finally address the question of competence, thereby dealing with our continued breach of the EU directive on these grounds while also avoiding the risk of further infringement proceedings against Ireland.

The Minister of State would be aware of the report by the barrister, Ms Roisin Lacey SC, in August 2010, which recommended a national multi-modal accident investigation office to amalgamate the existing Air Accident Investigation Unit, the Marine Casualty Investigation Board and the Rail Accident Investigation Unit. Ms Lacey also drafted heads of a Bill at that time to address all these issues. Therefore, the Minister of State will be aware that we are now into report number three over four decades, the most current being the Captain Clinch report of July 2021 which, no doubt, recommends an independent investigative unit, as the 1998 report did and the 2010 Roisin Lacey report did.

There is a real urgency to comprehensively deal with this very serious issue of marine casualty investigation. I compliment the Minister of State, Deputy Naughton, and the Minister, Deputy Eamon Ryan, for commissioning the Captain Clinch report on foot of the joint committee's request as part of the pre-legislative scrutiny process.

Here is the Minister of State's opportunity to finally deal with these matters in a comprehensive fashion and bring Ireland in line with best international practice. Last week, we debated the Road Traffic and Roads Bill 2021. It had everything from the e-scooter to safety arrangements on the M50 included in it. If there is a will we can introduce the amendments necessary on Committee Stage. I am asking the Minister of State to introduce those amend-

ments on Committee Stage to incorporate the recommendations of the Clinch report. I ask her to ensure that this happens as a fundamental aspect of the Bill currently before us and that the Clinch report is published immediately. The systematic failings of the maritime and search and rescue division of the Department of Transport are so serious that there should be a public inquiry in respect of these failings.

I look forward to hearing the Minister of State's response to my contribution. Listening to contributors from across the House, both opposition and backbench Deputies, and from across the Joint Committee on Transport and Communications, there is consensus. We need change and we need the Clinch report recommendations included in this legislation.

Acting Chairman (Deputy Kathleen Funchion): The next speaker is from the Regional Group. Deputy Berry has 20 minutes.

Deputy Cathal Berry: I wish the Minister of State, Deputy Hildegard Naughton, a good afternoon and thank her for coming into the Chamber to debate the Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2021.

By way of introduction, we are an island nation and our maritime domain is at least seven, and possibly even ten, times as large as our land mass. We are only getting to appreciate and recognise the importance of the ocean wealth that is out there, particularly from an offshore wind and offshore wave point of view. On top of that, we are looking at Brexit and we have a significant increase in the amount of shipping coming in and out of the island as a result. Some 99% of our trade comes in and out. The advent of climate change means we probably will have far more severe adverse weather conditions as well. I would make those three initial points.

The macro trends are obvious. We will probably have more maritime accidents over the next number of years and it is important we get ahead of that trend and that we get our house in order from a governance point of view. As an island nation, I very much welcome any improvements to the governance of our offshore resources and I welcome in principle the Bill before us.

I have three points to make. First, I agree with Deputy Catherine Murphy, and appreciate that the Minister of State was not here at the time and that she has inherited this anomaly. However, we should not be here even discussing this because when the structure of the Marine Casualty Investigation Board, MCIB, was decided in 2000 it should have been obvious that there were two appointments on that board who would obviously be conflicted and they had no business being on the board at all.

Of more concern to me, though, is that it required the European Commission to get a judgment and ruling in the European Court of Justice for us to change our mind. As the Minister of State will be well aware, they do not do that lightly. They do not go to the European Court of Justice in the first instance. They go to the European Court of Justice as a last resort. Obviously, there were plenty of opportunities over the past number of years for Ireland to get its house in order without having to rely on a court judgment. How much did that court case cost? It is ridiculous. If the Minister of State does not have the figure to hand, perhaps her officials will be kind enough to pass it on later. We should be embracing any logical points made from a corporate governance point of view, not resisting them. If an objective external observer looked at my constituency office and gave me some pointers that made sense, I would embrace them. I would not try to resist them and I certainly would not go to court to prevent them their implementation.

While the Bill is incomplete, as I believe the Minister of State appreciates, its provisions are Bill. It has good elements from a corporate governance point of view, particularly on gender balance. Having at least 40% male and 40% female makes perfect sense and is a good rule of thumb. We should use that in other boardrooms in both the public and private sectors. I also like the diversity approach taken in the list of desirable skills, be they legal or maritime, and that the list is non-exhaustive.

It is good that we are limiting the term of office to five years with only one roll-over allowed, giving a maximum term of ten years. That is a good way to do business. I also like the inclusion and exclusion criteria. Without casting aspersions on anyone who held these appointments, it is good that former and current ministerial advisers and current and recently retired civil servants should not serve on the board. That is a good way to do business. I welcome the provisions of the Bill while also recognising its deficiencies.

In light of recent events, I am interested in finding out how these appointments will be filled. Will the Public Appointments Service be involved? Will the board of between five and seven people be appointed directly by the Minister or through the Public Appointments Service? Will the roles be part-time or full-time? What will the salaries be? Will they be commensurate with the responsibilities?

I welcome the Bill in principle. I recognise that it is incomplete, as does the Minister of State. I look forward to debating the amendments that come before the House. Ireland is only one of two island nations in the European Union, alongside Malta. As the largest island nation, we should be setting the standard and ensuring we have world-class governance of our offshore resources. It is important that we do not just meet the standard but that we be the standard.

Deputy Brian Leddin: I welcome this Bill. It is urgent given, as the Minister of State, Deputy Naughton, pointed out, the need to appoint additional independent members in light of the resignation of two officials from the Department of Transport in accordance with the court ruling. I pay tribute to Deputies Mattie McGrath and Jackie Cahill, and others, for their work on this issue in the previous Dáil.

It is appropriate at this point to acknowledge the grief experienced by families around the country. The marine environment is an unforgiving environment and we still have a significant level of marine casualties. We owe it to families who have lost loved ones to properly investigate marine accidents and their causes to ensure we identify what we can do to avoid accidents in the future.

It is important that there is public confidence in the investigation of marine accidents. There was a tragic accident near the Salmon Weir in Thomondgate on 23 February 2019. I was present when 12-year-old Amy Mulcahy was brought ashore at the city slipway at O'Callaghan Strand. The accident shocked the tight-knit rowing community in Ireland and throughout the world because it involved hair entanglement in a rowing boat. As far as I and the national and international rowing governing bodies are aware, this had not happened before. I am thinking of the Mulcahy family today, particularly Amy who suffered life-changing injuries that day. A report into that accident was published by the Marine Casualty Investigation Board last month. I have misgivings about one of the findings in the report, namely, that personal flotation devices should have been worn or should have been required to be worn. In my view, as a rowing coach and an experienced rower, that could have caused greater difficulty in that particular case or in other capsized situations.

I express my support for Rowing Ireland. It operates on a tiny budget compared with many other sporting organisations. I believe there is a strong safety culture in Rowing Ireland. Despite its very limited budget, it is very serious about safety in rowing. In all my years of rowing with St. Michael's Rowing Club in Limerick, there has always been a heavy emphasis on safety at club level and it was always clear that there was a national focus on safety in rowing.

Other Deputies have outlined the importance of sufficiently resourcing the Marine Casualty Investigation Board. I agree with Deputy Cathal Crowe that it seems like marine is the poor relation when compared with rail and air accident investigation. I agree with the Deputies who stated we need to sufficiently resource the Marine Casualty Investigation Board to ensure public confidence in the investigation of marine accidents.

Deputy Patrick Costello: I will pick up a theme that several Deputies addressed, namely, missed opportunity. In discussing the Marine Survey Office we need to bear in mind that Ireland has been in the spotlight because of our fisheries for reasons that are not good. There have been long-running investigations and exposures of slavery, forced labour, exploitation and of human trafficking. Credit is especially due to the International Transport Workers Federation, ITF, for its ceaseless work in trying to highlight these issues and contribute to safety at sea.

In response to many of the issues identified, an atypical working scheme for non-EEA citizens was established. However, the US State Department trafficking in persons, TIP, report shows that scheme is really not working. It highlights that fishermen in Ireland are still open to labour exploitation, forced labour and trafficking. This is a huge concern. We need to do more to protect those who make their livelihoods at sea and working on fishing vessels.

If we set out to reform aspects of the Marine Survey Office, we need to examine the role the office plays. Currently, the MSO is wholly responsible for investigating issues around working time. It does not have the resources or experience to deal with this matter. Recommendations have been made to transfer this role to the Workplace Relations Commission, WRC, which investigates other worker safety issues and should be looking at this issue. It has been reported that the MSO sees no role for itself in the area of human trafficking. That is flabbergasting given the allegations concerning human trafficking in the fishing industry. While we need the Marine Survey Office to hand over some of its powers, it must also be given a clear mandate. That is a missed opportunity at this time.

This is a highly fragmented area. When I have raised this issue or tabled parliamentary questions on it, the Departments of Transport, Agriculture, Food and the Marine and Justice always respond that it is an issue for one of the other Departments. We should broaden and provide overlapping mandates instead of saying "This is ours, not yours" and *vice versa* and putting on the blinkers rather than looking at some of the inhumane conditions people are forced to deal with. We need to transfer or extend the jurisdiction for working time to the WRC so that it is not just a matter for the MSO. In addition, the jurisdiction of the MSO should be expanded to include aspects of human trafficking. Failure to do that in the context of this Bill, in which we are amending other aspects of the Marine Survey Office, would be a missed opportunity.

There are arguments on how we have transposed the various European directives on working time and whether we have done it in a way that protects those working at sea. I must tip my hat to Deputy Mick Barry who has mentioned this issue consistently and will no doubt do so again.

Deputy Michael McNamara: I welcome this Bill coming before the Dáil. However, we need to look at why we are here. Previous speakers have alluded to it. The whole make-up of the Marine Casualty Investigation Board has been repeatedly raised in this House over the years. It has been also raised at appropriate committees in the past. Concerns were expressed by Members of the Opposition and indeed by some such Members who now find themselves Government backbenchers. However, those concerns were dismissed entirely by the Government of the day. We should recall that the Minister of State's current party leader, the Tánaiste and Taoiseach in waiting under the current arrangement, was among those who dismissed concerns about the impartiality of the board. I note some Government backbenchers have called for an unbiased Marine Casualty Investigation Board to be appointed.

For the avoidance of doubt, Acting Chair, I have no problem giving the floor to Deputy Michael Healy-Rae for ten minutes if he wishes it. I believe I am allowed under Standing Orders to give way to any Member who requests I give way.

Acting Chairman (Deputy Kathleen Funchion): We will have time because a number of speakers are not here. Deputy Barry is next and then I will go to Deputy Michael Healy-Rae.

Deputy Michael McNamara: That is fine. I just did not want anyone to be excluded.

One may ask why we are here. We are not here because of any concerns expressed in this House, and many concerns were expressed in this House. We are here because the European Commission took a case against Ireland and Ireland, as is often the case at the European Court of Justice, lost. I want to know, as Deputy Barry has asked - I mean Deputy Berry, although I am sure Deputy Barry will probably ask the same question - how much the case cost. We need to know that. We need to know how much money was wasted defending the indefensible because we have a habit of doing that, especially in European cases. Ireland has not lost all its cases before the European Court of Justice by any stretch but I would say the Irish State and its various manifestations has lost a lot more cases than it has won over there. How much money, therefore, was wasted defending the indefensible? The Minister of State needs to give us that figure. If she does not give it to us today I will be asking for the figure by way of a parliamentary question because it is important to ascertain. The European Court of Justice found: "... the MCIB is composed of five members, including the SecretaryGeneral of the ... [Department of Transport, Tourism and Sport], or his or her deputy, and the Chief Surveyor of the Marine Survey Office". It specifically said:

In view of the functions performed simultaneously by both those members, on the one hand, within the ... [Department] or the Marine Survey Office and, on the other, within the MCIB, their presence demonstrates that Ireland does not fulfil its obligations under Article 8(1) of [the] Directive ...

That obligation is to have an independent body to investigate marine casualties. How anybody could think the Secretary General of the Department is somehow impartial, especially if the board was to investigate itself, is simply beyond me. It is an indefensible proposition. Thus, I ask how much taxpayers' money was wasted on this.

I note Government backbenchers calling for people who are impartial, independent and have a knowledge of the sector to be appointed. I join them in that. That was not what happened when the Minister of State's party leader appointed people. He appointed people with no knowledge whatsoever. When that was questioned by Members of this House, the response

was that because they know nothing whatsoever about the area - I should say here they knew much about Fine Gael, by their own admission - they were appointed. However, because they knew nothing about the marine casualty area, although they knew something about Fine Gael, they could not possibly be biased in the performance of their duties. That is equally ludicrous. That is a political charge I am levelling at the Minister of State. I am not saying she was the person who made the decision to appoint these people. She clearly was not. She was in the Oireachtas at the time but she was not in the Dáil. It did not fall to her but she is now the person who will be appointing more people to the board.

The Bill specifically precludes serving officers of the Department of Transport and certain persons who held a position in the Department for a previous five-year period from being eligible for appointment to the board. Can we expect a number of people who have been six years out of the Department on the board? I ask because that is the Government's tendency. I will return to that point. Can we expect civil servants from other Departments to be appointed? I ask because they are impartial civil servants. However, they are not really impartial, are they? If they have been part of the State apparatus for so long of course every inkling in their body is to defend the State at all costs and to take the approach that we will go to the European Court of Justice if we must but by God we will not ever admit we did anything wrong. That is a problem and one far broader than the MICB, although this is a hugely important area. People have lost their lives, relatives have been felt belittled by the Government's response and adequate investigations were not carried out. Deputy Mattie McGrath is not here. I look forward to him coming back to the Dáil. He specifically thanked Michael Kingston, the maritime lawyer and son of Tim Kingston who was killed in the Whiddy Island terminal disaster 40 years ago, and others. Who will appoint these people? Will it be the Public Appointments Service, PAS?

This is not something we should look back on with any great warmth but there was a time when all State boards were packed with former politicians. Now we do not appoint any of them and perhaps that is a good thing. Every State board being packed full of former senior civil servants is not any better. That is what we now have. That is how this State operates. We have senior civil servants who keep their heads down and do not challenge the *status quo*. Of course, their job is not to challenge the *status quo* but to serve and defend it while they are in the Civil Service. They are then only a couple of months out of the Civil Service when they are appointed to a beef task force led by a former senior civil servant or some other body made up of all former civil servants. They are people of integrity but the number of former senior civil servants on boards is simply not reflective of society and the various strengths from society on which we can draw to guide important State boards. I do not accept the idea of getting rid of former politicians while ensuring we have many civil servants on these boards. That is not the solution. It does not lead to a good culture within State boards, one conducive to those boards carrying out their duties. It is something the Minister of State's Government needs to look at it.

How much did this case cost to defend, why was it brought and who will now be appointed? Will it be former civil servants from the Department who will be six rather than five years retired, will it be other civil servants or will the Minister of State look for people with relevant experience from across society? That is not what is happening at the moment with regard to various Government appointments. It is not the Minister of State, it is the system and of course she is part of the apparatus.

That is how, unfortunately, our State functions at the moment. It is leading to a certain malaise within the State. It is leading to a State very ill-equipped to deal with the challenges we now face as a society. Obviously, there is the huge challenge posed by Covid-19, which it

poses to every state. However, in the longer term - because I remain optimistic Covid-19 will pass and we will move on to other issues - there will be the economic ramifications of Brexit and the economic response to Covid-19, including hyperinflation which looks like a possibility. I am not saying we have anything like hyperinflation at the moment but we are moving into an inflationary period and everybody accepts that. Inflationary periods become hyperinflationary periods very quickly and easily. That leads to a political response, as we have seen through history, one which I am not looking forward to or look forward to my children having to live through. If it is a case of “round up the usual suspects” and we will put them on a State board, that just will not deliver for this State on where it needs to be and where it needs to get to. I ask the Minister of State to reflect on that and bring it back to Cabinet. We cannot just continue with the usual suspects of former senior civil servants in every possible position. There are, and there needs to be, other skill sets in the country. As we see from the Marine Casualty Investigation Board, MCIB, if it is not former or even serving civil servants, it is people with links to Fine Gael. It is not good enough. How much money did it cost to defend that case that could have been used to make the marine sector in Ireland safer?

Deputy Mick Barry: This Bill arises from a case taken against Ireland by the EU Commission arising from an incontestable observation that the system for investigating marine accidents in Irish waters was flagrantly lacking in independence and grossly under-resourced. Ireland lost the case in July of last year. The heads of this Bill were presented late last year and discussed at the Oireachtas transport committee at the start of 2021. What was presented then is what we have now, which is a minimal piece of housekeeping.

I do not deny that the removal of Marine Survey Office, MSO, representatives, including its chief executive, from the board of the Marine Casualty Investigation Board is necessary. Put simply, in the course of marine casualty investigations, if they are performed thoroughly, promptly and with adequate resources, lapses on the part of the MSO can be uncovered, a body that holds the statutory responsibility for ensuring the seaworthiness of Ireland-flagged vessels, including such things as functioning radio equipment and adequate life-preserving equipment to be used in the event of a sinking. Where such faults are undetected by the MSO in its routine work, or where its enforcement of necessary repairs was lacking and the vessel subsequently sinks, or there is some onboard accident, then the MSO, alongside the vessel owners, has a case to answer. It is patently obvious that the MSO, through its chief executive, should never have had any oversight of accident reports.

I will refer Members to the intervention made by maritime safety expert, Michael Kingston, at the Oireachtas Joint Committee on Transport and Communications Networks at the start of this year. For those watching this debate who do not know, Michael Kingston also happens to be the son of one of the victims of the Whiddy Island oil terminal disaster of some 40 years ago. He featured very movingly in a recent RTÉ radio documentary about that disaster. At the Oireachtas committee, he gave comprehensive and compelling testimony, backed up by a report he commissioned from Marine Hazard Limited, into the failings of the MCIB, which included whistleblower testimony of improper amendments made to MCIB accident reports to the effect of removing any uncomplimentary references to the MSO. I do not have time to give a full flavour of the Marine Hazard report, which is a devastating takedown of the system that prevails, but the lowlights include instances of accidents that were not investigated; a chickenfeed budget of an average €3,000 to €4,000 spend on investigating accidents, which is a fraction of what is spent on rail and air accident investigations; the absence of a dedicated directly employed staff of inspectors, unlike the rail and air equivalent statutory bodies; and, flowing from all this,

massive delays in the delivery of reports.

Michael Kingston correctly made the point that the loss of the case in Europe and the findings of the Marine Hazard report pointed to the need for a radical overhaul of the system of investigating maritime accidents and the proper resourcing of such a body to remedy all the shortcomings. Instead, the Minister, Deputy Ryan, promised in February to commission another report to deal with those issues. He promised that such a report would be finalised and published within three months, in other words, by May. He hired a retired British naval captain, Stephen Clinch, now operating as a maritime safety consultant, to conduct the report. Captain Clinch completed his report and those interested parties who made submissions to him were cautiously optimistic. The report was completed and sent to the Department in July, where it remains unavailable to Members and the wider public. If it had been published, it may have made it very difficult for members of the Government to come to the House with this threadbare Bill. I now ask the Minister of State that the Clinch report is published forthwith so that we might have a real discussion on how we will improve the system of maritime safety in this State.

When some of us raised issues pertaining to the plight of migrant fishers in the aftermath of the sinking of the *Ellie Adhamh* off the coast of Castletownbere in March this year, we did not lose sight of the maritime safety implications. I can report to the Minister of State that eight months on from that sinking the two surviving and, at that stage, undocumented Egyptian fishers have still not been contacted by the Marine Casualty Investigation Board. That speaks to me of a statutory body that requires more than a mere shuffling of members of its board of management.

Deputy Michael Healy-Rae: I will share time with Deputy Collins. I welcome the opportunity to make a contribution on Second Stage of this Bill. The reason we, as a State, are introducing this legislation is because Ireland has had a potentially illegally constituted Marine Casualty Investigation Board for some time. This Bill seeks to rectify the situation following the embarrassing judgment of the Court of Justice of the European Union entered against Ireland on 9 July 2020. It is incredible that the European Commission's case against Ireland commenced in 2015 and the Department fought its untenable position for five years instead of putting its hands up and fixing it in 2015. How many millions in legal fees were spent in defending this indefensible position?

We are still not fixing that position. As Deputy O'Rourke said, this Bill is the equivalent of putting a sticking plaster over a gaping hole on the body of our marine investigative system. As other Members have said, it is astonishing to hear that we have an independent aviation investigation unit that spent a fortune in 2019, and one for rail also spending a fortune, yet only €27,000 was spent on investigations in the field of our maritime accidents and incidents. This is an appalling approach. How far would the Rescue 116 investigation have got with such a small amount of money?

As the Minister of State knows, I come from a constituency in County Kerry with a vast coastline and hardworking fishermen all along our coast. I understand from the Marine Hazards Limited report published on 4 January 2021, which was introduced at pre-legislative scrutiny stage, that many accidents where fishermen lost their lives have not been investigated. What sort of system is that? Are fishermen second-class citizens? Are their lives worthless? Are their families, who are hurting and grieving so hard and for so long, to be left in the wilderness without having their situations investigated, as would be the case if this happened in any other sector of life in Ireland?

I understand the Joint Committee on Transport and Communications allowed the Bill to go forward on the condition that a report by Captain Steve Clinch would be furnished to it immediately upon receipt. The committee report states:

The Committee believes that the review is a matter of urgency. The Committee understands that the report is due in July 2021 and expects to receive a copy as soon as it is finalised and will seek to discuss its findings and recommendations shortly thereafter as soon as is practicable.

However, that report has been with the Department for the four months since July and has not been disclosed by it.

As Deputy Carey and others, have said, this Bill simply does not go far enough, as it does not address the fundamental failures of our marine casualty investigation system. The refusal, over the years, to fix these problems has led to multiple unnecessary deaths in the Irish maritime sector and it is happening in the wake of the Rescue 116 report, which highlighted staggering systematic failures by the Department of Transport.

The reality is if one does not investigate marine tragedies correctly, one cannot identify their root causes and cannot save lives going forward, which is the very purpose of international and EU regulations. I also understand that an independent investigations unit based on best practice was recommended in 1998, following an expensive and extensive report, but it did not happen. There was a further report in 2010 by a barrister, Ms Róisín Lacey, which included draft heads of a Bill for an independent investigative unit, but this did not happen and the Lacey report has never been disclosed.

In 2011, we incorrectly transposed an EU directive, leaving the two civil servants on the board and failing to fix the issue of competence. Where are the Department officials in all of this? I understand they were part of Ireland's delegation at the International Maritime Organization that negotiated the international casualties investigative code that formed the basis of the EU directive. They must have known they should not have been on the MCIB. What steps has the Minister of State taken on the accountability of this obvious failure?

This issue comes on the back of the incredible failures of the Department in the Rescue 116 situation; the systematic failures that are again being demonstrated here. This Bill needs to go back to committee to be fixed properly and amended totally to implement the recommendations of the Clinch report of July 2021 and the Róisín Lacey draft heads of Bill and report from 2010. To echo Deputy Carey, there needs to be an immediate public inquiry into all of these systematic failures. Too many lives have been lost in our maritime community and our precious rescue services because of these failures.

I recognise and acknowledge the work of Mr. Michael Kingston who is an expert in this field. I remember today an incident that happened many years ago in Whiddy Island, which as the crow flies is very near to where I live in Kilgarvan, County Kerry. The tragedy claimed an awful lot of lives, for which we were very sorry. An awful lot of questions needed to be answered at that time and they were not. Many families were left without their fathers, brothers and husbands and many issues surrounding that tragedy still need to be looked at to bring closure for those families.

I say to all of the people who have been adversely affected by the failings of the Department of Transport, not just now, in the past two years or in the lifetime of this Government, but going

back many years and indeed decades, they have been let down. Be they people in the rescue services where lives were lost or those working in the maritime industry, there were many failings and many questions left unanswered. I look to the Minister of State to use this time, her time and this Government's time, to put right the wrongs of the past and to try to rectify the situation.

No more than when we are talking about road deaths in Ireland, it is only right and proper to stand up and say we are so sorry for the families that have been affected. If a family is watching and listening to this, the one thing that has to be shown is respect for the dead. For all of the people who have lost their lives at sea or in rescue missions, we are terribly sorry this has happened and that tragedy befell their families. I think of all of those terribly important people whose lives were cut short because of incidents. Making a living from the sea and working in the maritime industry can be dangerous and hazardous and it is a tough way of life. When things go wrong, they can go horribly and tragically wrong, as has happened. My heartfelt and sincere sympathy to all of those people.

I ask for some of the questions I have raised to be addressed and considered. It is like every job of work in that I am sure there are good people in the Department and while much of what I have said here today might be critical of what has gone on in the past, I have confidence in people for the future to put right the wrongs; to knuckle down to the job of work at hand and to use the expertise in the Department now to try to get this right; to use this opportunity to do it right once and for all and not to be looking back in the future but to look forward with hope that we will get things right.

I again recognise and acknowledge Mr. Michael Kingston and others who have put an awful lot of effort, work, drive, energy and determination into raising the issues and highlighting the wrongs. It looks as though Deputy Michael Collins will not be here. I do not know whether his time can be kept but obviously, it is at the Acting Chairman's discretion.

Acting Chairman (Deputy Kathleen Funchion): We have finished with contributions now. The Minister of State will have an opportunity to reply.

Minister of State at the Department of Transport (Deputy Hildegard Naughton): I thank Deputies for their comments on the Bill. I welcome the engagement on it and the underlying support for an enhanced legislative framework for the investigation of marine casualties in Ireland. Although a relatively short Bill of only 16 sections, it contains important provisions to amend and update the Merchant Shipping (Investigation of Marine Casualties) Act 2000 and thereby to support the continued independent functioning of the Marine Casualty Investigation Board as the marine investigative body in the State. This is needed, not only in order that we will continue to meet our international and EU obligations to have an independent investigative body in place, but also to ensure the MCIB can continue to carry out its investigative role, establishing the causes of marine casualties and making safety recommendations with the aim of preventing similar casualties occurring in the future.

It is also consistent with one of the core objectives of the Irish Maritime Directorate Strategy 2021-2025 to enhance maritime safety and is an important pillar of our national safety policy. I am confident the Bill will provide a suitable baseline for the future development of marine casualty investigation structures in Ireland. As mentioned in the opening statement on the Bill, there is an urgent need for it to progress. As a consequence of the necessary actions taken to address the findings of the July 2020 CJEU judgment, the MCIB board is currently composed

of three members and the existing 2000 Act does not provide a mechanism to fill the vacancies on the board.

The Bill will allow the filling of the vacancies to be progressed. It will facilitate a revised board composition and the appointment of new board members, thus removing the risks associated with a reduced board membership and ensuring quorum requirements for board meetings can be met. It will also ensure there is a specific legislative requirement in the 2000 Act for a marine casualty to be notified to the MCIB directly.

The report of the Joint Committee on Transport and Communications on the pre-legislative scrutiny of the Bill noted the importance of the Bill. The committee agreed that the current situation of the quorum for board meetings poses a risk to the functioning of the MCIB and that section 3 of the Bill, which provides for the appointment of an increased number of board members with specific relevant competences and expertise, should ensure the board functions in the short term, while the Department carries out the comprehensive review of the broader framework for marine casualty investigation.

The underlying focus of the operational and technical amendments to the 2000 Act contained in the Bill is to support the functioning of the MCIB. The opportunity offered by this Bill's introduction has been taken to update the legislative provisions relating to the International Convention for the Safety of Life at Sea, SOLAS, with a view to providing an enabling framework for the transposition of more recent amendments to the international convention into Irish law. There is an ongoing need for such updates in maritime primary legislation. I am pleased that the Bill affords us this opportunity.

I would like to address some of the main themes of the debate. Deputies O'Rourke, Mac Lochlainn, Cathal Crowe, Martin Kenny and others raised the issue of the review report and the wider review of organisational structures for marine casualty investigation in Ireland and the publication of the Clinchmaritime Limited report on the matter. In March 2021, Clinchmaritime Limited was asked to assess the current organisational structures and set out any recommendations, including related to change, to achieve the most appropriate and effective marine casualty investigation structures for Ireland, taking into account national, EU and international obligations. A public consultation on the matter was also carried out between late March and mid-May of 2021. All submissions received were forwarded to Clinchmaritime Limited in order to form input into the review. The contents of the report from Clinchmaritime Limited are being considered in my Department, and officials continue to engage with the Office of the Attorney General to obtain legal advice on certain aspects of the report. This advice will inform the publication of the report. It is therefore not possible to comment further on the report or its publication at this stage. It is envisaged that policy proposals to address recommendations from the overall review process will be developed. As indicated previously, this may lead to proposals for further legislative change. This Bill is the start of a process but it is an urgent and necessary first step.

A number of Deputies raised the issue of funding for the MCIB. It is funded by the Department of Transport's Vote, with money voted by the Oireachtas. In recent years, €402,000 has been allocated but the full amount has not been drawn down by the MCIB. Given the nature of the work of the MCIB, funding requirements can vary from year to year. All funding requests from the board to carry out its work programme have been met. In the context of the general review of the organisational structures relating to marine casualty investigation in Ireland, the funding structures and requirements of the marine casualty investigation body may be subject

to revision in the future. The existing board comprises highly qualified and experienced individuals. The members have extensive, wide-ranging experience, including in litigation, regulatory law, marine engineering, and accident investigation.

Deputies Berry and McNamara raised the issue of new board members and how they will be found in the interim. In normal circumstances, the standard system for board appointments uses the Public Appointments Service and an advertising campaign on its website to fill vacancies on the board. It is open to suitably qualified persons to apply for consideration for appointment. If the Bill is enacted, there would be an immediate need to fill board vacancies and, in particular, to ensure that the quorum requirements for board meetings are met. Section 9 of the Act provides the Minister with power to appoint members, which may be utilised to ensure the continued functioning of a marine casualty investigation body in Ireland. Section 3 of the Bill sets out an amendment to section 9 of the Act relating to the knowledge and experience required for consideration as an appointee to the board, *inter alia*, accident investigation, marine engineering, nautical science or navigation, naval architecture, maritime law and regulation, and health and safety management.

Notwithstanding the normal practice for the appointment of persons to State bodies as outlined above, the ultimate power to make MCIB appointments rests with the Minister for Transport under the provisions of the 2000 Act. The ministerial power overrides any conflict with the requirements of the Code of Practice for the Governance of State Bodies of 2016, and could be used in the event that the Minister needs to quickly and decisively to make an urgent appointment to ensure that the MCIB continues to operate and to meet its statutory mandate. It must be noted, however, that it is intended to utilise the expert experience of the Public Appointments Service to fill all board vacancies that arise routinely.

Deputy Catherine Murphy raised issue in respect of the CJEU. In any scenario such as this, serious consideration has to be given to a legal strategy that weighs up all the appropriate factors with legal advice. There is never any certainty with legal proceedings. There was an arguable case in response to the proceedings taken by the Commission. At the time, the decision to defend was an appropriate and reasonable course of action. All key decisions relating to the MCIB infringement case were made following receipt of legal advice and with the approval of the Attorney General and the Minister for the final decision to defend the case at the CJEU.

Deputy McNamara and others raised the issue of the cost of the CJEU defence. There were no immediate costs or fines for Ireland arising from the CJEU judgment of 9 July 2020. Fines were not imposed as a consequence of the judgment, since the proceedings were brought under Article 258 of the Treaty on the Functioning of the European Union. The general principle is that the party that loses a case bears the cost. However, the practice in these cases is that neither the European Commission nor the member state, which is Ireland in this instance, ever actually seek their costs. It is therefore a notional concept. Costs related to the defence of the case arose from the preparation and receipt of counsel opinion at each stage of the process and from meetings and consultations with counsel. These costs are met by the Office of the Chief State Solicitor. The Office of the Chief State Solicitor does not bill Departments for its services, so the only costs that can be quantified are those paid to counsel. Other costs arising from the involvement of the Department of Transport, the Office of the Attorney General and the Office of the Chief State Solicitor's staff in the case were met as part of the normal salary costs of individual staff members.

While I have the opportunity, I want to clarify some issues regarding the CJEU judgment.

The specific finding of the judgment related to the presence of two Department of Transport officials on the five-person board of the MCIB, who were seen as persons whose interests could conflict with a task entrusted to the MCIB. There was no claim by the Commission that the MCIB lacked independence with regard to its legal structure and there was no court finding of partiality or wrongdoing by any member of the board. Notwithstanding suggestions to the contrary from some quarters, the CJEU judgment contains no adverse findings regarding the competence of the MCIB or of individual members and this issue has not formed part of any interactions between the European Commission and my Department, either before or since the court case.

Deputy Catherine Murphy raised allegations made regarding certain board members. This is a matter for An Garda Síochána. I am advised that An Garda Síochána wrote to the chair of the MCIB on 21 June 2021 to confirm that a thorough examination of certain allegations made had been conducted and that no criminality was identified. The matter has been closed by An Garda Síochána.

I reassure Deputies that a comprehensive framework and programme are in place within the Department of Transport to oversee and review the legislative structures that apply to the maritime area. This includes a detailed legislative programme document, which is reviewed and updated regularly, having regard to developments at an EU and international level, as well as domestic requirements, priorities and available resources. The extensive maritime legislative programme addresses issues relating to merchant shipping, fishing, passenger vessels and recreational craft, as well as maritime safety and marine environment ship-source pollution prevention. Consolidation and review of the Merchant Shipping Acts has been an important goal of the Irish maritime directorate. As part of the current process, my Department has engaged with the Law Reform Commission, and received specific training on its software to enable officials to directly prepare consolidated texts of the Merchant Shipping Act 1894, the Merchant Shipping (Safety Convention) Act 1952 and the Merchant Shipping Act 1992. These texts have been finalised by the Department, reviewed by the Law Reform Commission, and published on the Law Reform Commission's website in 2021.

I must clarify that the Lacey report of 2010 was not a report about the independence of the MCIB. The terms of reference asked that the then air, marine, and rail accident investigation legislation be examined, with a view to providing a report to the then Minister for Transport on legislative proposals on the possible amalgamation of the three existing units into a single office, a national multimodal accident investigation office. In the context of looking at wider structural issues as part of the review of marine casualty investigations in Ireland, this matter may well be considered.

I reiterate that this Bill is a necessary step to amend the legislative framework surrounding the MCIB and to support the continued functioning of the marine investigative body in the immediate term. I thank Deputies for their contributions to the debate on the Bill and I look forward to further interaction on this important legislation on Committee Stage.

5 o'clock

Question put and agreed to.

Merchant Shipping (Investigation of Marine Casualties) (Amendment) Bill 2021: Referral to Select Committee

Minister of State at the Department of Transport (Deputy Hildegarde Naughton): I move:

That the Bill be referred to the Select Committee on Transport and Communications pursuant to Standing Orders 95 and 181.

Question put and agreed to.

Covid-19: New Measures: Statements

Acting Chairman (Deputy Sean Sherlock): I understand the Minister is sharing time with the Minister of State, Deputy Butler, and Deputies Cathal Crowe and O'Dowd.

Minister for Health (Deputy Stephen Donnelly): I welcome this opportunity to update the House on the Government's response to the ongoing Covid-19 pandemic. The current level of Covid-19 is having a negative impact on public health, as well as placing an enormous burden across all aspects of our health service. The number of confirmed cases of Covid-19 in hospital and in ICU is high. We are seeing case numbers previously seen only in January of this year. Our situation is not unique. Countries across Europe are seeing a surge in cases. We heard the recent warning of the WHO that Europe is once again at the epicentre of this pandemic. As we have seen throughout the course of the pandemic, Covid-19 continues to adapt and create significant challenges and this pandemic is not yet over.

In its recent advice to the Government, the National Public Health Emergency Team, NPHET, has highlighted that the current epidemiological situation is concerning and uncertain. Due to the deterioration in the epidemiological situation, on 16 November the Government decided to put in place a package of additional measures to reduce the current level of socialisation across society to interrupt the spread of Covid-19 in the community. These measures include: a move to working from home unless it is absolutely necessary to attend the workplace in person; proof of immunity to be required for entry to cinemas and theatres; bars, restaurants and nightclubs to close, and patrons to be off the premises, by midnight; and, household close contacts who are fully vaccinated and showing no symptoms to restrict their movements until they have three negative antigen test results within five days.

Ireland remains vulnerable to a further deterioration, depending on a number of factors. These include level of social contact, adherence to basic public health protective measures and levels of immunity across the population. We are monitoring this situation closely. As always, our core priorities are to protect the most vulnerable from the impact of the virus and to ensure our health and social care services can continue to deliver much-needed care.

As colleagues will be aware, Covid-19 is once again on the rise across Europe, where it is putting health services under considerable strain and is challenging the provision of health and social care in many countries. We are seeing several EU countries reintroduce restrictions or introducing new coronavirus restrictions as case rates surge. Some western EU countries, which had removed the majority of public health measures, have now experienced sharp increases in Covid cases and have reintroduced measures in recent weeks. Some of these measures are

more extensive than what we have in place in Ireland, including for example the lockdown re-imposed in Austria. Other countries are taking similar measures to Ireland and a number have had to reintroduce basic measures such as mask wearing and use of the Covid-19 pass for entry to premises.

In Ireland, despite the current challenges, steps taken are working in protecting our population from the worst of this virus. Our vaccination programme is among the most successful in Europe, with more than 90% of the eligible population fully vaccinated. While every death is, of course, one death too many, according to the latest European Centre for Disease Prevention and Control, ECDC, data, Ireland has the fifth lowest overall mortality rate from Covid among the EU 27, plus the United Kingdom.

In addition to the essential public health measures in place, we are doing everything we can to strengthen our public health response and to bolster our health and social services to sustain this latest Covid wave. Testing continues to be an important part of the Irish Government's response to the pandemic. Demand for testing remains extremely high, with an amazing 210,000 PCR tests completed in the past seven days. The HSE is making every effort necessary to address the very significant demand arising for PCR testing, including making arrangements with private providers. The number of National Ambulance Service mobile units will double from four to eight in order to provide additional capacity in addressing high demand. The core public health message remains that anyone who has symptoms should self-isolate at home and get a Covid-19 PCR test.

Our vaccination programme continues to be one of our strongest and most successful defences against Covid-19 and the harm caused by the virus. More than 7.7 million doses of Covid-19 vaccine have been administered since the programme began in December last year. I am happy to be able to report to colleagues that between third doses for the immunocompromised and booster doses, in excess of 630,000 doses had been administered as of yesterday under the third dose and booster programme. The programme for residents and long-term residential care and those aged 80 and above is substantially complete. Most people who are immunocompromised have either received or been offered a booster vaccine. Approximately half of all healthcare workers and half of those in their 70s have now received a booster vaccine. Progress is also being made for those in their 60s. The group I was particularly keen would be offered a booster vaccine quickly is those with underlying conditions. This is a combination of cohorts 4 and 7 from the initial vaccine programme. When we look at our ICU patients, we see that the sizeable majority of them have an underlying condition. The latest advice we got from the national immunisation advisory committee, NIAC, on this cited that 98% of the vaccinated Covid patients in ICU have an underlying condition. In regard to all of our Covid patients in ICU, in excess of 80% have an underlying condition. For me, it was critical that we moved very quickly with this group. I am delighted to be able to share with the House this evening that following on from a telephone I had with the HSE before I came into the Chamber, I can confirm that we will be commencing booster vaccines for those with underlying conditions from next week. The HSE and the Department of Health are working through the details as to exactly how that will be phased. It was a very important and necessary addition to the programme and I am very happy to be able to share that information with colleagues this evening.

The booster vaccine is adding further protection and it is having a positive impact in those who have already received it. In Ireland, the impact of the recent booster vaccination on those aged 80 and older is evident in the rate of incidence no longer rising in this group. We are seeing this internationally as well. The evidence from countries like Israel and the UK is showing

that the boosters are incredibly effective in preventing serious illness from Covid. I would encourage everyone, as they become eligible for a booster vaccine, to get it.

The health system is being supported at this exceptionally challenging time through significantly increased funding, with over €1 billion extra being provided in budget 2022. This investment will ensure a continued strong public health response to Covid-19, as well as a stronger health and social care service for the future. Before the pandemic, we had just 255 critical care beds, which was an inadequate level. We are addressing this lack of capacity, with some €52 million provided by the Government in the budget for this year to add an additional 66 permanent ICU beds, or a 25% increase in capacity. The HSE has advised me that 42 of these beds are now open, bringing the baseline in critical care capacity as of today to 297. More beds will be added over the coming weeks and months and the HSE has been funded to increase capacity to 340 by the end of 2022 or early 2023. This represents a 33% increase in our base compared with the start of the pandemic.

The health service winter plan was launched last week and will provide supports to maintain Covid-19 services, account for winter pressures, provide continuity of non-Covid services, address waiting lists and enhance services in line with our goal of universal healthcare. My Department has received the national service plan from the HSE and will now finalise the measures to be implemented in 2022 to continue to ensure a strong response to Covid-19, while also ensuring the delivery of the essential range of health and social care services that are needed. I assure all colleagues that I, and the Government, will continue to do all that can be done to respond to this phase of the pandemic. We will continue to do this for as long as necessary, until the pandemic is over.

Minister of State at the Department of Health (Deputy Mary Butler): I welcome the opportunity to speak on this hugely important matter, namely, the Government's response to the ongoing Covid-19 pandemic. The current level of Covid infections, both nationally and internationally, is of concern and is placing, yet again, a huge strain on our public services, not least our health system. I would like, at the outset, to commend the tremendous and tireless work and dedication of our health staff in continuing to provide vital services across the country.

Notwithstanding the challenges we face, I will focus today on some of the most significant progress that is being made to further enhance protections, particularly for our older population and people using the mental health services, in our continued fight against this relentless and evolving virus. Significant progress is being made in the administration of booster vaccines to the population of over-80s within the community. I commend the excellent work of GPs across the country in administering these vaccines in order that our older people continue to be protected. There are some 161,000 people in this age cohort and approximately 134,000 vaccines have been administered to date. GPs are also administering additional doses to over-70s in the community, of whom there are approximately 336,000. To date, nearly 172,300 vaccines have been administered. It is expected that this group will be largely completed over a period of about four weeks before the Christmas season. This is in line with NIAC guidance, which recommended an additional mRNA booster dose for all individuals aged 60 to 79. NIAC recommends people should be administered their booster vaccine after six months or a minimum period of five months. This means the time to complete an age cohort is dependent on individuals' original vaccine completion date. The group of people aged 60 to 69 are now being vaccinated through vaccination centres, with more than 33,000 vaccines administered to date. The expectation is this group will be substantially completed by the end of December.

The Covid-19 home vaccination service to individuals who are housebound has been made available for the purposes of administering the third primary or booster vaccine. HSE community vaccination teams visit people's homes to administer the additional vaccine dose. The first phase of the programme commenced the week of 28 October and included two groups, namely, people who are immunocompromised, as per NIAC guidance, and people aged 80 years and older. I am pleased to state that, as of 18 November, the delivery of booster vaccinations through the home vaccination service has been extended to people aged 60 to 79 years. This programme will run for a period of four weeks up to 17 December and will overlap with the vaccination of the 80 years-plus age group, which is under way. To date, more than 260 doses of the booster vaccine have been administered by community healthcare organisation, CHO, teams as part of this phase of the home vaccination programme, with many more to be delivered over the next few weeks.

The roll-out of the booster vaccination programme among people aged 65 and over in long-term residential care facilities, including nursing homes, has been substantially completed since the end of last month, having commenced on 4 October. Vaccination teams were operational within all areas of the country, seven days a week, which saw the majority of care facilities complete the booster programme within a three-week period. Following extensive discussions with the Department and the relevant health agencies, I very much welcomed the expansion of the booster vaccination programme to individuals of all ages living in long-term residential care facilities.

In line with NIAC guidance, from the week of 8 November, vaccination teams extended the administration of the booster dose to people aged 60 to 65 years in care facilities. This week, in accordance with further NIAC recommendations, vaccination teams will again extend boosters to individuals of all ages within their residential setting, or will facilitate residents to attend vaccination centres for their booster dose. As of 21 November, almost 25,000 residents in long-term residential care facilities, including nursing homes, had received their booster vaccination. Community vaccination teams will continue to administer vaccines to people who were advised to have their booster vaccine deferred and in facilities where there was an outbreak of cases. The extension of the booster programme to all healthcare workers, including those in nursing homes, is progressing and will add further to the protections afforded to front-line health staff and the people under their care.

I assure the House that significant supports continue to be made available to nursing homes in response to Covid-19. The outbreak assistance element of the temporary assistance payment scheme provided to the private and voluntary nursing home sector continues to be available. A total of €134 million was allocated to the sector between 2020 and 2021. More than €1.4 million has been paid in outbreak assistance under 63 separate claims since the end of June of this year. A broad suite of other supports continues to be provided to nursing homes. These include the establishment of Covid-19 response teams, the supply of precautionary and enhanced personal protective equipment, PPE, free of charge where possible, access to staff from community and acute hospitals, a suite of focused public health guidance and training resources, including a further series of infection prevention and control webinars delivered by HIQA in September, including nearly 800 attendees from nursing home staff, and temporary accommodation nursing home staff to support measures to block the chain of transmission. Serial testing is to be reintroduced for two consecutive cycles to all nursing homes across the country and is expected to commence at the start of December.

I meet regularly with the HSE, HIQA and the Department on the evolving impact of the

pandemic in nursing homes and continue to monitor the situation very closely to ensure all necessary supports and guidance are sustained and, where required, enhanced. There is no doubt that the protection of people living in nursing homes has been prioritised once again through the roll-out of the booster vaccination programme and the continuation of a broad range of supports.

An antigen testing pilot programme has been under way in residential care facilities for older people since mid-September. Over the period of the programme, a total of 4,855 tests were completed in 41 centres in CHO 2, including counties Mayo, Roscommon and Galway, CHO 9, including Dublin North, Dublin North-Central and Dublin North-West, and County Wicklow. There were four positive antigen test results as part of this programme. The pilot programme has finished in all sites and the evaluation is currently being completed.

I would like to specifically mention the progress that has been made in our mental health services to address the emerging challenges posed by Covid. The majority of people aged 60 years and over in long-term care have been vaccinated with a booster dose, with individuals who have not yet received it scheduled for vaccination this week or next. In line with NIAC's advice to expand the booster programme to people of all ages in long-term residential care, planning is under way to administer the vaccine to those in mental health centres. As Minister of State with special responsibility for mental health, I welcome NIAC's decision to offer booster doses to those aged 16 to 59 with certain underlying conditions. The decision means that those who experience certain mental difficulties such as schizophrenia, bipolar disorder and severe depression will now be offered a booster dose. I hope the additional protection provided will bring a renewed level of comfort and reassurance. I welcome the Minister for Health, Deputy Donnelly's work on ensuring that that happened.

Booster vaccines among all mental health staff are progressing with the majority completed as part of a six-week programme, which commenced earlier this month. While there are significant challenges posed by Covid-19 currently, we must remember the progress we have made through our shared collective efforts. The Government has moved quickly in an attempt to stabilise the situation, with work from home requirements where possible, the extension of the Covid-19 passport, new closing times for the on-license trade and greater use of antigen testing. The vaccination and booster programme are central to our response to recent developments. Thanks to the successful implementation of a world-class national vaccination programme, the infrastructure has been put into drive forward with our booster roll-out. However, it is so important for us to remember that as we roll-out boosters, vaccination alone will not prevent transmission. Mask wearing, keeping our distance, washing our hands, reducing social contacts and choosing to make smart decisions based on our immediate environment will make a huge difference in not only protecting the great progress we have made to this point, but building on it.

Now, more than ever, I appeal to those who are unvaccinated to please come forward and speak to a medical professional about their concerns. To those who are offered the booster, please take it. If we all contribute to this collective effort, we will keep our society and economy open, we will maintain our progress and we will keep people healthy and safe.

Acting Chairman (Deputy Sean Sherlock): I thank the Minister of State for her impeccable timing. That was bang on cue. I call on Deputy Cathal Crowe, who has five minutes.

Deputy Cathal Crowe: I thank the Minister and the Minister of State for their presence

here today and for all the work they are doing in leading the Department. More importantly, I pay tribute to all of the front-line health workers. This morning I met the Acting Chairman on the 9.50 a.m. train from Limerick to Dublin. I joined the Cork train at Limerick Junction and I was appalled to see so many people not wearing masks. We have made sacrifices over the last two years. There are people who did not get home to meet their families, such as those who were been living abroad, people who did not spend Christmas with their families and people who could not move more than 2 km from their home at various times. Wearing a mask has never been a sacrifice. What is the big deal about putting two strings behind your ears and wearing a mask for the one hour and 50 minutes you are on a train? It is two fingers to society. It is an affront to our front-line health workers. It is an affront to science. It is a damn right insult to the 5,609 people in Ireland who have mourned the loss of a loved one during the Covid-19 crisis. For God's sake wear a mask. It is a simple requirement. If you cannot do so for a medical reason, there is a certificate, but get the damned certificate, and do not go on the train from Cork to Limerick or go into shops and put up videos on social media. We see this every evening where people think they can get away with this and this rule does not apply to them and challenging others to confront them. I confronted some people on the train today. I began by handing out masks to a family. I asked them whether they had masks and I took out a bag of a masks that I had in my own bag while travelling here today. That is wrong.

The key to this - and the Minister of State, Deputy Butler, is right - is vaccination. Vaccination and the roll-out booster vaccinations are key. Some 630,000 boosters to date is very good. We must drive on. However, the key messages of mask wearing, 2 m distances, washing your hands and hand sanitising have been lost in society. We need to restamp that point.

I do not agree with the 7% who are unvaccinated. Some of them have medical reasons and that is fine, but some of them have emailed my office to tell me that honey will cure Covid-19 and that you can pour bleach down your throat which President Trump said 18 months ago. That is codswallop. Believe in the science of this. Believe the scientific community globally, which states that vaccinations are what are needed in this. We need to buy into that. That 7% who are unvaccinated are a small cohort of the population but tonight they account for 55% of those in intensive care units, ICUs, all across the country. We need to collectively reflect on that.

We need more extensive use of digital Covid-19 certification. At the moment it is largely used in hospitality and international travel. It should be used everywhere at this point, such as going to a match, going to a local barber and going pretty much everywhere. At the moment, those who are not vaccinated - some have chosen not to be and some are unable to be vaccinated - are largely kept out of that. There is a bit of inequality in all of this. We constantly get emails into our constituency office about this. If we expand the role of digital Covid-19 certification and of antigen testing, we will allow for an extra layer of testing and of assurance for people who are publicly engaged with others. We will also allow those who cannot currently benefit from their local bar or restaurant to benefit from that too. We need to expand the role of antigen testing.

Although this is a debate on Covid-19, we urgently need to get targeted supports back in place for the tourism and hospitality sector. We have seen a 60% drop-off already in bookings coming up to Christmas. I only learned what Black Friday meant a few weeks ago. Back in the 1950s and 1960s, Black Friday was the day on which the companies and large shops in America hit the black point. They were back in the profit zone coming to Christmas. They traded without profit for 11 months of the year and they made it into the profit zone of their accounts in

the last few weeks of the year. It feels like that for many publicans and hospitality providers in our country. They need supports and some certainty and assurance right now that they will be supported by Government in the bleak weeks and months ahead.

On education, I was delighted to see the Minister for Education, Deputy Norma Foley, take decisive action and take on one of the suggestions I made to deploy third- and fourth-year student teachers into the front line. There is still bit of ambiguity about Professional Development Service for Teachers, PDST, teachers. They should be sent back to their base schools to teach in classrooms.

While I do not wear it quite as well as my colleague, Deputy Willie O'Dea, I am sporting a tache for this week. We are addressing the Minister for Health and Minister of State at the Department of Health and it is Movember. I hope to shave this off next week.

Deputy Fergus O'Dowd: Leave it on.

Deputy Cathal Crowe: I do not have a face that suits it. However, Movember is important. It is important to say on the record that for those who are not tuned into the Movember debate, it is about men's health, mental health, physical health and men's cancer. It is important in the month of November that we reflect on that.

Deputy Duncan Smith: Hear, hear.

Deputy Mary Butler: Well said.

Acting Chairman (Deputy Sean Sherlock): I call Deputy O'Dowd, who has five minutes.

Deputy Fergus O'Dowd: I welcome the Minister and the Minister of State to the House. I listened with respect and interest to what they said. Like my colleague, Deputy Crowe, I would like to pay tribute to all of the people in the health service, such as the nurses, the doctors, the healthcare assistants, the people who test and the people who get the test results and who work on them. Their commitment is fantastic. We all acknowledge that they are under extreme stress at the moment in this difficult time.

More than 5,600 people have died from Covid-19 to date. As a nation, we need to commemorate the trauma, the suffering and the loss. We need a day of national remembrance. I have said this before, and I know nobody will disagree with this. We need to have a structure in place for a national day to commemorate all of those who passed during that time.

I note the Minister of State's comments on nursing homes. I agree with the excellent work that she is doing there. However, there is a significant absence of action in addressing the deaths in some nursing homes. The deaths in Dealgan House are of deep concern to me and my constituents. Indeed, the deaths in other nursing homes in other parts of the country need to be properly investigated. It does not appear as if that is going to happen anytime soon and I am concerned about that. I will continue the campaign in the interim. If the Government cannot or will not provide an inquiry, the Oireachtas committee should sit again to examine this issue once again. In the UK Parliament had a parliamentary inquiry. It is time to have one here as well. All parties in the Oireachtas should talk to get an outcome that would make sense to the families. They should be able to bear witness to the suffering of their loved ones and we might be able to find the truth of what happened in a transparent, accountable place like our Parliament.

I would also like to talk about County Louth, which has the highest rate of Covid-19 in the country. The national average per 100,000 is 1,160 cases. In Laytown and Bettystown, in my constituency, the figure is almost double that, at 1,876. In Drogheda rural, the figure 1,963. In Drogheda town, the figure is 2,415 per 100,000. That is an appalling and a frightening statistic. I accept that we are doing our best, but we are not doing enough. This evening, you can get no Covid-19 test in County Louth, or indeed in County Meath. The Minister can say what he likes about that, but this is the biggest town in the country. It has the highest rate of Covid-19 nationally but it has no test centre. It had a test centre during the summer for a significant period of time. We need it back. I have requested it and I understand the director of public health has requested it. To date nothing is happening. We do not accept this. It is unfair on families, particularly those with young children, who have to phone around and truck around to adjoining counties. That is unacceptable. In October, there was demand in County Louth for 12,454 tests, and from 1 to 21 November there were 11,964 tests. It is a very significant issue and it needs to be addressed.

Vaccination is very important. There is great news in an ECDC report today, showing that 93% of the Irish population is vaccinated and our number of deaths per million is 15. It is not the lowest in Europe but it is the highest vaccination rate and one of the lowest death rates. Bulgaria, in comparison, is bottom of the list, with a 29% vaccination rate and a death rate of 325 per million. Clearly, vaccination works. There are too many people in our country who are not vaccinated and who are getting seriously ill. From 1 April to 20 November 2021, 623 persons over 15 years were admitted to ICU with confirmed Covid. Of those, 393 did not have a Covid vaccine. That is 63% of all the people admitted to ICU since 1 April. There is a huge risk to these people's health and lives. Like my colleague, I am very concerned about this. I accept that there are people who have medical reasons for not getting vaccinated but we must accept that more must be done. We should extend mandatory Covid certification to a significant number of other activities, excluding essential services. This is the only way to proceed. We cannot allow unvaccinated people to take up services that are urgently required and not available to the population who are vaccinated and need those services.

Deputy David Cullinane: We all hoped we would be in a different situation going into December and the Christmas period. We must all reflect on the current trajectory of the disease, the current daily case numbers, the number of people who are hospitalised, the numbers in ICU and the very difficult situation we have in our hospitals. At the same time, for anyone who gets sick with Covid, it is difficult for them and their families. As I said, we all hoped we would be in a different space but we are not. This disease is very stubborn. It has not gone away and it is going to be with us for some time. We all have to collectively try to figure out how to manage, live with and deal with this virus for some time to come.

The last time we had a discussion on Covid was during the emergency powers motion we discussed a number of weeks ago. I reiterate a point I made in my opening remarks and repeated again to the Minister. I listened very intently to his response. It is reasonable for him to criticise me and my party, as it is for me to hold him to account as the Minister for Health. I support all the public health measures, as does my party. What I will not do is support emergency powers when we do not get any heads-up and there is no involvement of the Opposition. There is certainly no scrutiny, debate or accountability as regards any of the actions that flow from the emergency powers this Oireachtas has given the Minister, which we supported in the past.

There have been too many examples of regulations that were clumsily put together, where stakeholders or people who have to live with the measures arising from the regulations have

been quite critical of the approach of the Minister, the Department and the Government. There is a better way to do it. We have to get back to more decisions being made by the Oireachtas and votes on the regulations if necessary. We certainly need debate and scrutiny. We cannot continue with a situation where we do not have that level of scrutiny. I do not believe having emergency powers to the extent that we almost fully devolve responsibility to the Minister for Health is where we need to be, at a time when the Dáil is sitting in full and we can respond, as the Minister would put it, in an agile way. I want to make that clear because there was a misrepresentation, if not a spin, put on what our position is. It is up to the Minister and the Government to present that in whatever way they want.

I want to deal with the issues of Covid and how we need to respond and can better respond. Sinn Féin and all of the other Opposition parties have for some time been critical of a lack of planning, and in some areas no planning, when it comes to some of the responses and tools we have at our disposal, which we need to deploy as best we can to get a grip on this virus again. A lack of planning, engagement and leadership presents challenges when people see it. There is a public health message that we all have to give, which is that people should abide by the public health measures. If they have symptoms, they should get tested using a PCR test. Antigen testing is not for people who have symptoms. They need to make sure they restrict their movements and self-isolate. We have to reinforce the public health message that has been given by public health officials. Everyone should look at his or her social interactions and limit them where possible. I fully support all of that. I have said this on countless local and national radio stations and I will repeat it again today. We all have a responsibility to repeat the public health message but the Government also has a responsibility to get its part of this right.

I want to deal with a number of issues. The first is PCR testing. Paul Cunningham from RTÉ tweeted ten minutes ago that he contacted all the PCR testing centres in the country and 21 of them currently have no capacity for today or tomorrow. People cannot book a test. That number was ten yesterday and 15 the day before but is 21 at this point in time. Of course the system is under real pressure but the Government needs to provide additional capacity and we need to be looking at where there are gaps.

Like me, the Minister of State, Deputy Butler, is from the south-east region. Yesterday, you could not get a test for 48 hours in Waterford, Kilkenny, Wexford or Tipperary. That is an entire region. It is unacceptable. We need to put in the capacity and resources. When we are telling people they need to get tested and restrict their movements the very least we can do is make sure there are quick turnaround times for them when they need it. I know the system is under pressure and I hear what the Minister is saying about the number of tests being done but what is happening at the moment is causing tension and difficulties for us in delivering a public health message to the community because people do not see the Government getting it right.

I do not even know where to start on antigen testing and how long we have been waiting for the Government to put a coherent plan in place. We are not at the races compared with where other European countries are. What we need first and foremost is a plan and clarity of message. I have a good understanding of how and when people should use antigen tests. Yesterday, the Chief Medical Officer, in a briefing to Opposition and Government representatives - although not Ministers - talked about circumstance and interpretation. He spoke about the circumstances in which someone should use antigen testing and how that person as an individual interprets the results of the test. The point that has been made to all of us is that, of course, if people are symptomatic, they should get a PCR test but if they are asymptomatic in a high-risk environment, they should be using antigen testing on a regular basis. That is the public health advice

I have been given and that is what we should very clearly communicate so there are no mixed messages. People need to be really clear about when they should use antigen tests and how to use them and then we need to make a decision on how we are going to fund this. I do not see why we should not make the tests freely available. I do not see circumstances where people will be looking to hoard dozens of antigen tests. Let us just make a decision. We are already making them freely available in some circumstances. Let us just for once make a quick and decisive decision that we are going to do this and get it done. That is what people want to see.

We stopped contact tracing entirely in schools. I was one of the people who said yes to that when asymptomatic children or children who did not have Covid were having to self-isolate for ten days and missing school was a problem. However, we have gone from one extreme to the other. I do not see any balance. We need to better equip and better support our teachers, parents and children in schools and put more measures in place. As the Minister knows, substitute teachers are an issue. Ventilation, which I will come to in a second, is also an issue in schools. We need to have a level of contact tracing and risk assessment in schools which is not there at the moment.

Public health officials will say that schools are a safe environment. I, too, have used that expression because it is one we have been given by public health officials but of course, there is risk. No environment is fully safe because of Covid and in every environment there is an element of risk. It is the job of the State to minimise risk, particularly for young people in schools. We seem to have gone from one extreme to the other, with no contract tracing at all, which is not acceptable.

There needs to be more urgency in relation to the booster jabs. At the aforementioned briefing yesterday, I asked the CMO whether we will have to go to a general population roll-out of the booster jab and whether we accept now that at some point in the future, everyone will require a booster jab. His answer was not quite “Yes”. He said he could foresee an extension of booster jabs but logic would tell me that everyone, at some point, is going to need one. If that is the case, let us accept that reality and start planning for it. We need timescales to give people a sense that it is going to happen and when it will happen. The Government must engage with NIAC and that committee must be front and centre in all of this but people are looking for certainty and clarity.

Ventilation is a bit like antigen testing; all we hear is talk and more talk but we do not see the solutions, whether in schools or workplaces. There is no responsibility on employers or the State, or at least people do not see the State taking responsibility in relation to ventilation. Again, it is one of the tools that we can and should be using, alongside all of the other measures.

The derogation for healthcare workers from the restricted movement for five days rule has been raised with me time and again. It has been raised by the INMO and I want to put on record that organisation’s concern in this regard. We must protect people on the front line. I know we have a real problem in the hospitals. I have mentioned moral injury to the Minister previously in the context of those on the front line being unable to take breaks and afraid to take annual leave. Now they are not to be subject to the same rules as everyone else and they have a real concern about that. At the very least, the Government must listen to what the healthcare trade unions are saying and engage with them so that we can properly support people on the front line.

I have spoken several times with the Minister about ICU capacity. We are far behind where

we need to be in relation to the 2019 and the 2009 capacity reviews. While additional capacity has been provided, we are still far short of what is required. I do not have the time to go into all of the problems we have in our health system at the moment. We have discussed them several times. We had a discussion with Paul Reid and others in the HSE today but it is a real crisis and challenge and the rising cases of Covid are adding to that challenge. I agree with the Minister that all the measures I have just talked about, as well as reinforcing the public health message and people abiding by that message, are required to reduce the levels of infection and hospitalisation of Covid-positive patients, which are causing a real difficulty.

I want to address comments that were made about people wearing masks. The Deputy who made the contribution was passionate and he may have had a negative experience on a train but I have to say that my experience is that, for the most part, most people are abiding by the restrictions most of the time. I do not see any evidence of people not doing that. There may be some examples but generally, people are doing their best. There is fatigue and tiredness with this virus that we all accept. We are all fatigued and tired and we all wish the virus would go away but it has not done so and is still here. We have to continue to appeal to people to do their best but I think they are doing their best. I genuinely believe that. What they want to see is the Government getting it right at its end but in lots of different areas, they do not see that. We need to sharpen the State's response in many areas.

Deputy Rose Conway-Walsh: I raise the issue of Covid measures in education settings. First, while I welcome the Minister for Education's announcement regarding substitute teachers, we are 16 school days away from Christmas when schools will be breaking up anyway. We need to know the timelines in terms of substitute teachers. Can teachers expect substitute teachers to be available from Monday of next week? We need the specifics because there are too many vague announcements that do not get to where the people are, on the front line, like teachers and staff. Parents, students and staff will appreciate the long-awaited recognition of the crisis that they have been battling for weeks but more clarity is needed. More clarity is also needed for secondary schools on how this will work in practice for them. The ASTI has been calling for that clarity as well but people should not have to call for clarity continuously. They should be given clear and timely messages. It takes mental gymnastics to accept that there is a crisis with substitute teachers caused by teachers being out sick while not accepting that Covid transmission is a reality in the school setting. Things do not add up for people. That is the problem and it is why the Government is losing so many people.

It is absolutely vital that we do not lose social solidarity across the nation. People are always willing to play their part but they need to see the Government communicating clearly with them and playing its part as well. That has not been the case heretofore. In fact, it seems that when decisions are finally made, the Government stops to slap itself on the back, as if to say that everything is grand and it did a great job. What we need are timely decisions. The procrastination is killing people. People are waiting for decisions to be made. I spoke today to some business people in retail and the pub trade who just want to know what will happen. They do not want to be taking on staff or bringing in orders; they want clarity around what is happening. If the Minister has information, he needs to communicate it and help people to make sense of things. They will do anything that makes sense to them but a lot of things do not, unfortunately.

The best way to keep our schools open is to be straightforward with people, particularly parents and staff, given how much responsibility they are being asked to take on. A number of steps are needed. First, the Government must consider providing HEPA filters for every classroom or room where children are congregating. It is better to be safe than sorry. Hopefully,

we will come out the other side of Covid at some stage but we know that adequate ventilation and air filtration is not an optional extra in a pandemic but is vital to maintaining health and well-being. How can teachers be expected to teach and children to learn if they are fearful of the environment they are in? These filters would be a worthwhile investment providing clean air within schools, regardless of a pandemic.

Second, the HSE should be given a clearly defined role in contact tracing in the primary school setting. That must be done. The changes that were made in September were wrong. Certainly issues needed to be addressed but we cannot continue on without the HSE having a clearly defined role. We also need to know how the antigen test plans will work. How will the tests be distributed? Are people going to be waiting for days for antigen tests? All of these issues could be cleared up in a few hours.

Third, the Minister for Education needs to reverse the decision to remove banked special education hours. Special education hours will continue to be lost if the banking system is not brought back in. Children with special educational needs were among the biggest losers of the lockdown. Indeed, the Minister launched the Covid learning and support scheme, CLASS, in recognition of the impact the lockdown had on their learning development but at the same time, she is not allowing schools to safeguard special education teaching hours. That really needs to be addressed. I would strongly urge the Government to consider the three points I have just outlined. We have always tried to work constructively on these vitally important issues and will continue to do so.

I am also concerned about third level students who have had a very rough ride throughout Covid. They have not been prioritised for a return to in-person teaching in the same way as primary and post-primary students. Those who are fearful about sitting in halls to do exams must be listened to as well. We must put measures in place, we must do so quickly and decisively and we must communicate clearly.

Deputy Aengus Ó Snodaigh: The lack of engagement and the disregard for the harm being inflicted on workers and businesses has left large sections of the culture and entertainment industries unable to maintain confidence in the Minister or this Government. They feel like guinea pigs being slapped in the face. This is a sector of Irish society which, despite all of the talk about engagement with stakeholders, was blindsided by the reintroduction of restrictions last week. In addition, the public health messaging telling people not to socialise, combined with general fear and scaremongering, has led to major problems in this industry. There has been no proper response or compensation from the Government to the closure of this sector. We must remember that it is the Government that is closing this sector. We only need to look at what has happened in the past. That has not been good, and it does not augur well for the future for many musicians and performers. The Minister has refused point-blank thus far to take any responsibility for her part in the Government slashing the PUP at a crucial time for those in the entertainment industry, for performers and others whom we praised and to whom we looked up as being part of our culture. They are pivotal to the tourism industry in the future, yet all the Minister has had to say thus far is she will not be found wanting if it becomes apparent that additional supports are necessary. It is apparent. She only needs to ask any of the musicians, performers or those who had jobs lined up a fortnight ago to last over Christmas and get them through that period after sustaining a torrid time in terms of their income and ability to ply their trade. The key part is for the Minister to ask them directly. They will tell her that a week or two weeks ago they were looking forward to being able to play and to entertain people and that opportunity disappeared in a flash following a Cabinet decision and with no compensation.

Up to two weeks ago, almost 80% of musicians, deejays, entertainers and stage crew have experienced a return of less than half of their pre-pandemic work. Some 75% of those who responded to the Music & Entertainment Association of Ireland, MEAI, survey, which was carried out last week, said they are seeing their events cancelled for Christmas and that is not the end of it. This tallies also with the Amárach public opinion survey released by the Department of Health today, showing that 45% of respondents had cancelled social events between now and Christmas and many more are planning to cancel events. In the past two years, 40% of those in the sector have had to take up work outside the industry to survive. In the past two weeks a lot more will have had to take that option. A shocking 47% are considering leaving the sector for good. The Minister should think of that and of our culture in the future. This is a society that is supposed to value culture.

The Minister, Deputy Catherine Martin, all but admitted in the committee today that no work had been done to provide alternative supports for this sector and nothing will be done until it gets much worse. She even tried to present as a win the €25 million cut to funding to the live performance sector in the budget. Covid-19 inflicted terrible damage on our night life, musicians and cultural life but the Minister's *laissez faire* approach to that suffering could be the nail in the coffin for the hopes and dreams of many of a recovery for at least a number of years to come. She has not given serious thought to the proposal the MEAI made for a Covid support for arts workers to replace the PUP. She has given the impression that the proposals are not forthcoming. So much for making sure the plight of the workers in the sector is not going to be ignored. The workers have been ignored and it looks like that will continue to be the case.

Deputy Duncan Smith: I wish to share time with Deputies Howlin and Nash. I will take five minutes and they will have two and a half minutes each, or perhaps it will be six minutes for me and two minutes each for them. I will see how I get on.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Duncan Smith: I thank the Minister of State, Deputy Butler, for her statement that people with mental difficulties such as schizophrenia, bipolar disorder and severe depression will be now offered a booster dose. She did it previously in the first round of the vaccination programme as well. I know she gets how serious this is for people who are living with those conditions. In recent weeks I heard of an individual whose story will not be captured in the overall figure of 5,609 as someone who died with Covid, but they passed as a result of Covid because they suffered from one of these illnesses and there was a direct correlation. I think of that person now when I am making this contribution and I will be thinking of that person for a good while to come. It is vitally important that these people are reached as soon possible and are offered a booster and every effort is made to get them to a vaccination centre.

Following on from Leaders' Questions yesterday and my discussion with the Taoiseach, our greatest concern in the Labour Party is that we are operating as if this wave is going to be our last. That is something we have been doing since the pandemic began. I accept it is done for positive reasons based on hope. With each wave that comes, we believe it will be our last. Unfortunately, this virus continues to outwit not only this country, but the region and the world, so we must plan for the virus being with us, as the WHO says, until at least 2023. It means putting in place the resources to cope with surges in the need for testing, vaccinations, boosters and critical care beds. That is where we need to look. We are in the eye of the storm with this fourth wave, and we can get caught up on a daily basis with the individual crisis within a crisis of the day, but we must talk about how we are going to make the health service robust enough

to ensure we can mitigate against these waves should they come. I hope this is our last wave, but we cannot plan for that to be the case.

I wish to ask about ICU capacity. The Minister mentioned that we would have a baseline of 297 ICU beds. The Department's 2018 capacity review set the target at 330. Paul Reid said we would have 50 surge beds for December and into the early part of the new year. In summing up, will the Minister indicate how many whole-time equivalent hours that will take from non-Covid care and how it will impact on such care? Surge capacity has an impact on non-Covid care. I would welcome if the Minister could provide details in that regard. We know that providing ICU beds is not a case of rolling a bed into an ICU ward, and that skilled, trained staff need to go with the bed. As health spokespersons, we are fully aware of that. Surge capacity has an impact on non-Covid healthcare, which is also in a crisis.

We know there are issues with PCR testing. I have been raising the matter for more than a week and a half. It can take two days to get a test and another two days to get a result. That is four days from when a person could be symptomatic to when he or she gets a result. People like us in this House have the ability to control our diaries and we have staff that work for us to keep the wheels going, but people working in retail, as taxi drivers, in transport or in other low-paid work do not have that luxury and they are under pressure to work. The PUP has been cut. That must change given where we are going with this virus. Low-paid workers are under immense stress coming into the Christmas period to pay fuel bills and rent. We must reduce the four-day delay. We are doing 209,000 tests a week, which is substantial. I wish we did not need extra capacity, but we do.

A hames has been made of antigen testing. The opposition has been criticised by the Government for being partisan, but in the course of the pandemic, the Opposition has provided practical solutions such as antigen testing, testing and tracing, not cutting the PUP, sick pay and remote work. The Opposition, including the Labour Party, has been playing a very constructive role. What role does the Minister see antigen testing playing in households into 2022? Where antigen testing has worked at the latter end of last year and this year is where large companies, for example, big building companies, have made sure their workers have been serial tested on Mondays and Thursdays on big sites.

6 o'clock

They have been catching cases, people have been self-isolating and work has been able to continue.

The Taoiseach said yesterday, in response to my question on promised legislation, that he sees a role for regular testing in households into 2022. Does the Minister think that is the case? If it is, how do we get clear messaging and how do we get accessible, affordable and, ideally, free antigen testing into enough households to ensure that we are catching this virus as early as possible and making sure it is spreading as slowly as possible? Given Dr. Catherine Motherway believes everyone in this country is probably going to get this virus, we have to slow the spread and we have to take the pressure away from our acute hospital system. I look forward to the Minister's summing up.

Deputy Brendan Howlin: I thank the Minister and the Minister of State for their presentations, which contain very useful information. In the time I have, I want to make a brief contribution on the issue of vaccination, in particular on the booster jab. We have to underscore again

and again that all vaccines are amazingly effective, particularly at preventing serious disease and death.

I want to advocate for a vulnerable group who I believe, through nobody's fault, have been short-changed in the programme, and that is the 60 to 69-year-old cohort. By definition, they were from the start vulnerable. They were given the AstraZeneca vaccine, which is very effective, and I have all the statistics here, but demonstrably less effective than the mRNA vaccines, that is, Pfizer-BioNTech and Moderna. To add to the disadvantage, there was a three-month gap between the first and second doses - in fact, a 15-week gap initially - whereas people getting the other vaccines got them within a month and were able to be fully vaccinated before others.

I can give the Minister the data from *The Lancet* but I do not have the time. However, all vaccines are now waning in effectiveness. My appeal to the Minister is very straightforward and clear. Do not delay a second in ensuring that this group, who are already contacting my office and all of our offices because they feel aggrieved, are vaccinated. Open the mass vaccination centres and get this group vaccinated before Christmas. Do not rely on the six months and start as soon as the five-month threshold is passed. Will the Minister give us the guarantee that all resources will be put into effect and that he will open the mass vaccination centres and get this group fully vaccinated this side of Christmas? If we can do that, we can make amends to a group who I think feel they got the short end of the stick last year.

Deputy Ged Nash: I again want to raise with the Minister the need for a Covid-19 testing centre and vaccination centre in Drogheda. The Minister knows the incidence rates in Drogheda are again the highest in the State. One in 40 have tested positive and it is one in 20 if we take a 28-day perspective, yet there is still no testing centre in Drogheda - no permanent centre and no pop-up facility. This is unbelievable. It is Ireland's largest town. It neighbours east Meath, which has the fifth highest rate in the State. The HSE in the region is doing its very best but at national level, the HSE should be agile enough to deploy the available resources where they are needed and when they are needed, and it evidently is not.

I am not making a narrow parochial argument. The facts and the evidence are there to support the case for a full testing centre and vaccination centre to serve Drogheda, south Louth and east Meath. I have raised it with the Minister before and I will raise it again. Figures from the CSO tell us that vaccine take-up in the area is significantly lower than the national average, which is another reason we should make it as easy as possible for people to be vaccinated by providing vaccination centres where people live.

Today at 10 a.m., there were no slots available for testing in Louth, Meath or Dublin, and there were 115 in Monaghan. If the Minister is serious about dealing with this, he can use his functions and he can instruct the HSE to establish a testing centre in Drogheda. We had pop-up centres when the number of cases was lower yet nobody in the HSE can tell me what threshold is applied to establish a permanent centre or a pop-up centre. What is the problem and where is the transparency?

Accessibility is key. In Drogheda, families tell me of the difficulty they have in getting to Ardee to be tested. There are 3,000 households in the town of Drogheda that do not have cars, according to the last census. Too many people who need to be tested are not being tested, frankly, because they cannot access the centre, and the pressure then falls on the National Ambulance Service, which, as the Minister knows, is stretched. The Minister and the HSE nationally need to act. I appeal to the Minister to act in the interests of the people of Drogheda, south Louth

and east Meath.

Deputy Pádraig O'Sullivan: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Colm Burke.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Pádraig O'Sullivan: I would like to also raise the issue of PCR testing. Undoubtedly, there is a massive surge in demand at the moment and there are difficulties in catering for that demand. I would specifically like to ask the Minister about the possibility of opening an additional PCR test centre in Cork Airport. The local media was reporting recently that Roc-Doc is operating there at the moment and there were reports the HSE was going to avail of that facility in the interim. If the Minister could clarify that in his closing statement or afterwards, I would appreciate it. There is undoubtedly the demand.

In my home town of Glanmire, we have a PCR test centre in St. Stephen's Hospital. At the moment, many people who avail of the PCR test there are under the impression that it is a drive-through centre but it is not. If there is a possibility that the HSE could advertise that better or, in an ideal world, that the PCR test centre could be converted into a drive-through centre, that needs to be considered because there is ample space on-site to ensure it can be done.

I want to comment on a point made by Deputy Cathal Crowe earlier in regard to mask wearing because he hit the nail on the head. I have noticed it. While I know other Deputies tried to contradict him, I have definitely noticed in various settings that mask wearing is slipping. We need a proper and concerted effort to double down on that and to make sure people continue to do the basics right, and we can all do the basics. Certain people have made sacrifices and continue to do so but, as Deputy Crowe alluded to earlier, the very least anybody can do is wash their hands and wear a mask.

I have made the case to the Minister previously in regard to patients who, for one reason or another, cannot avail of a vaccine or who have received the first dose and, because of a reaction they had, are receiving medical advice to not chance taking a second dose. I would particularly make the case for patients who suffer from myocarditis. I ask that an exception is made for them in terms of Covid certification because many of those patients would have been under the impression initially that the Covid certification was going to end back in October or November. Obviously, that did not happen and, going forward, I am not sure if they can indefinitely be excluded from certain aspects of a normal functioning society. Again, I ask the Minister to talk to the CMO and the HSE in that regard.

I want to raise the issue of the Covid tracker app, which is a fantastic tool if utilised correctly. I know that, in the early stages, when I downloaded that app, I could see how many people had registered and logged in from day to day to say they had no symptoms or whatever the case may be. Thinking back over the months, there were 300,000 to 400,000 people logging in daily to use it. I checked before I came into the House today and it is at 78,000 so, clearly, the use of that app is not being maximised. It is something that should be constantly reviewed. Many people on the Opposition benches will go on about mixed messaging and lack of communication. The Covid tracker app is a perfect way for all people in society to access basic information, whether it is to advise people of PCR testing availability in their locality, to remind people of how to avail of and access antigen testing correctly or to advise people of a spike in their local area. I believe it is underutilised and that is reflected in the number who log in or do

not log in every day. As I said, in the beginning, there were hundreds of thousands logging in and only 78,000 today, so it is clearly underutilised.

I have a final point on antigen testing, which is something I have spoken about for the best part of a year and a half. I am disappointed to see its slow roll-out and there is no point in me denying that. However, it is a tool. It is not there to supplement PCR and we all know that. We are not stupid. At the same time, we need to advise people how to use it correctly. If people are symptomatic, whether it requires an information campaign, information going on an app or adverts on the television or radio, we need to advise people it is there and should be utilised. Antigen tests should be free of charge in order to get them to people and to get people using them. It was referenced earlier that companies in meat factories and on the construction site of the national children's hospital have been using antigen testing with their employees three, four or five times per week. If antigen testing can work in those settings then I do not see why the population at large cannot use it as well. If we inform them how to best utilise it then the more we test the more effective and accurate it will be. That will be better for all of us in the ongoing fight with Covid.

Deputy Colm Burke: I thank the Minister for dealing with this issue. We are coming from a situation where the Health Protection Surveillance Centre was yesterday notified of 3,666 confirmed cases of Covid-19. That gives a seven-day average of over 4,400 cases per day. We have had over 630 patients in hospital with over 130 of those in ICU. This is the challenge we face. Since Covid was first identified in Ireland we have had over 5,600 deaths so it is a huge challenge for all of us and we all have a part to play.

I want to thank all those who have been involved in the healthcare sector. In the last week alone over 210,000 lab tests were completed and we have completed over 600,000 booster vaccinations. We have made good progress with the over-80s and I understand that the vast majority of those should have received their booster by the end of this week. There is some confusion about the over-60s and over-70s. Full clarification needs to be provided on the roll-out of the booster vaccine for them because there seems to be a situation where people are not sure whether they will be notified, when they will be notified and the timeline for their boosters. It is important that we get the vast majority of those people vaccinated as early as possible.

I am also concerned about the delay that occurred in the vaccination of front-line hospital staff. If that needs to be expedited then every effort should be made to ensure that every person who is working in the healthcare sector, whether it is in a nursing home, a care centre or a hospital, is provided with the booster vaccine. There is also a group that we can easily lose sight of, namely, people who are in facilities for people with disabilities and in day care centres. I am particularly thinking of the Cope Foundation facility in Cork, which caters for over 1,500 people, both residential and day care. It is important that we give priority to those centres and complete the vaccinations there as soon as possible. I know we are increasing capacity in the vaccination centres and that needs to be prioritised. My understanding is that the target is to have the capacity to administer over 160,000 vaccines per week and that is something we need to fast-track.

I want to ask about the use of antiviral medicines. I understand that in clinical trials it has been found that the use of antiviral medicine can reduce hospitalisation by 50%. Medication can be prescribed to those with positive Covid tests and it is taken at home over five days. I understand the European Medicines Agency, EMA, has fast-tracked its approvals process for this medicine. Last week, the EMA announced that it would work with national bodies, including

the Health Products Regulatory Authority, HPRA, in Ireland, to ensure early access to the drug is provided. There are two ways of ensuring supply of this medicine. There could be a joint procurement arrangement with the European Commission, similar to how we procured vaccines and then there is the national supply purchase arrangement. Already, more than a dozen countries, including the UK, the US, France, Australia and New Zealand, have signed their own national agreements. I am raising this at this stage because it is about supply. If we delay in entering into an arrangement on the provision of this medication we may then have a challenge in getting supply. This is something we need to work on at the earliest possible date.

I want to raise the issue of working with the key stakeholders in the medical area, namely, GPs. I have raised this with Paul Reid at the Committee on Health in relation to the Cork area. For instance, in Cork city I understand that recently, there was only one GP on call with SouthDoc one night. I am concerned that this has occurred because we have to examine what happens in such a scenario. One might say that people should wait until the morning but if one has a sick child and cannot get access to a GP, the immediate reaction is to go to an accident and emergency department, which puts more pressure on our hospital services. I ask that there would be further engagement with the key stakeholders and with GPs especially in order that we can make sure that we have people available and that people do not feel the need to go into an accident and emergency department when they can be treated at home. We need to do a lot more work in that area.

A lot of good work has been done in recent months but we have a major challenge before us. It is important that we do everything possible to get the message out there that we all have a part to play and that people can make their contribution, whether that is in hygiene and hand-washing, using masks or trying to avoid large numbers congregating because this virus spreads so easily. We need to get that message out more. We do not want to have a lockdown again but we need to ensure we get everyone on board in getting that message across over the next week or two.

Deputy Imelda Munster: The recent surge in Covid cases has proven that the Government does not have a coherent plan to get us through the surge we are experiencing. There is a range of measures we should be using, including free antigen tests, adequate PCR tests and booster jabs. The feeling in the general public is that the Government is dithering and indecisive and that the result is thousands of daily cases and unsustainable numbers of patients in our hospitals and ICUs. Earlier today, 13 counties had no testing appointments available for today or tomorrow. Apparently five other counties only had one appointment available for those times. This is causing huge stress and is leading to people taking extended leave from work, as well as causing childcare issues and other problems for people. The surge was predicted and now it is here but the infrastructure to deal with it is not there.

In my county of Louth cases are the highest in the country and Drogheda has been particularly badly hit with one in 40 people testing positive in the past fortnight, which is a staggering statistic. I had been calling for a test centre in Drogheda and I asked if even a mobile clinic that would be quick and easy could be provided. We have heard nothing and had no indication from Government that this will happen. I contacted the HSE locally at the start of the week to request a pop-up centre. That would be another simple measure to implement, given the high rate of cases in Drogheda, and the HSE has yet to respond. Where is the sense of urgency when case numbers are through the roof?

As others have said, testing is a shambles at present and no test is available in Louth un-

til Friday at the earliest, despite the fact that case numbers are so frighteningly high. That is unacceptable. I ask the Minister, Deputy Stephen Donnelly, to give me a commitment that he will pick up the phone to the HSE in Louth and request that it provides a pop-up test centre in Drogheda. It is not too much to ask. It has the highest rate in the country. Will the Minister give me that commitment?

Deputy Stephen Donnelly: I will address it in my wrap-up.

Deputy Imelda Munster: I thank the Minister.

Also, the booster jab regime has been far too slow. As others have said, we need to speed it up. There is confusion among some groups. When will those who got the Janssen vaccine get the booster? They should have been given one three months after their vaccine. Many of them were vaccinated over six months ago and there is no sign of a booster yet. There is concern amongst this group of waning immunity and a lack of protection from the virus. Everyone will need a booster jab eventually. Where is the plan?

Also, some pharmacists are saying that they are very confused. They do not know what is going on yet. They have heard nothing. Maybe the Minister can clarify that too. The same goes for antigen testing. It is November 2021 and there is still no decision on subsidising antigen tests. Of course, they should be free but the Government cannot seem to even organise a subsidy.

On top of that, the hospitality sector is taking the brunt of this, with new restrictions being imposed in recent weeks. The sector has really suffered in the past year and a half. Christmas parties, concerts and other social events for the month of December have been cancelled due to the surge. Venues are closing or operating at reduced capacity. Staff are the ones who pay the price yet the Government is ploughing ahead with cuts to the employment wage subsidy scheme and the pandemic unemployment payment, PUP. People in this sector will not survive without these payments.

Most sectors are back at work - many of them from home - but tourism and hospitality, entertainment, music and performers cannot work from home and are still affected by restrictions and the surge in cases. There are fewer sectors affected this time around and the ones that are must be supported. I note that the Minister, Deputy Catherine Martin, did not oppose the cuts. She went along with the reduction of the payments despite it affecting thousands of workers in sectors under her remit. The Government has to prioritise these cohorts and recognise that now is not the time for cuts for those working in tourism, hospitality, entertainment, such as musicians, and all the other badly-affected sectors.

The Minister cannot have it both ways. If he is telling people to cut their social contacts and not to go out as much, he has to subsidise the workers and businesses that are being directly affected by that policy. The real result of all of this poor planning is the outrageous pressure on the health service and I do not need to go into the cause of that in the policies over the years.

Deputy Róisín Shortall: There are various aspects of the Covid issue that I want to reference here this evening and comment on but I want to start with one that has received very little attention. I refer to the question of the migrant community and the impact of Covid on them and the question of vaccines.

Figures came out in recent days which are enlightening in relation to what is actually going

on. It drills down into the figures and tells us a lot of interesting and concerning things. Much important analysis was done of these figures by Mr. Mark Coughlan of the “Prime Time” team. Mr. Coughlan has published that on the RTÉ website and it is very insightful. We cannot afford to ignore those figures. I will put them on the record here this evening with the intention of bringing them to the Minister’s attention and, hopefully, that we will get action on them. Real action can be taken to impact these figures, which are so worrying.

Seven per cent of the population is unvaccinated and 54% of all ICU admissions are unvaccinated people. That was found through study of the figures in September and October. What is very interesting is the fact that 50% of all unvaccinated people in ICU were born abroad. That gives us insight into an important cohort of people who are not availing of the vaccination programme.

A total of 44% of people employed in Ireland but originally from the EU’s eastern European member states are vaccinated and the remainder, obviously, are not. The latter is a substantial number.

Five per cent of the population in Ireland is originally from the so-called 13 EU accession states. Most of these countries have very low vaccine uptake rates. It is worth looking at some of those. For example, in Poland, the vaccination rate is 54% and in Lithuania, Latvia, Slovakia, Romania and Bulgaria, the rates are 61%, 62%, 45%, 36%; and 25%, respectively.

It is worth repeating that 50% of all unvaccinated people in ICUs were born abroad. That should tell us that there needs to be a targeted programme to reach those traditionally hard-to-reach groups and that we must work hard and redouble the efforts to reach that group. I am not saying that nothing has been done about that. The HSE has done quite a bit of work on this. They ensured that public health messaging was translated by native people. Those messages are being put out on various websites in 27 different languages. I accept that translation work has been done. There have been radio advertisements on community radio. There have been print advertisements in some of the Polish, Lithuanian and Russian language newspapers. There are also multilingual advertisements on digital and social media. The HSE has made reasonable efforts but I do not believe that they are enough because those figures show that they are not sufficient. The message is not getting across. There are many reasons for that. I am not blaming anybody but I am saying that those figures are so stark that they demand a response. The kind of response demanded is a detailed strategy based on the evidence and on advice from community leaders in those communities and from migrant advocacy groups because there is a tendency at official level in this country to do things through the eyes of the officials, who are often Irish born and bred, middle-aged and middle-class people. Such officials design communication programmes and they are not always the successful ones. You have to speak to representatives of the communities which you are targeting. In my view, that is what needs to happen now.

What we need, first and foremost, is a clear strategy. We need a strategy that measures the impact of the messaging that is going on, for example, as to whether it is making any difference. When we have those kind of figures, you would have to say the current approach is not working particularly well. As I say, you need to be able to measure what the response is.

It is critical that there be engagement with migrant groups in order that we know what are the best ways of communication and what are the best channels to use. Because something might work for Irish people and work in this country does not necessarily mean that it will work

with migrant groups.

We also know that quite a number of migrants are working in low-paid industries, for instance, seasonal workers, meat packers and fruit pickers, and there could well be significant literacy problems. Not only is there the language issue but there could be a literacy problem as well. That has to be addressed. One of the ways of addressing that would be through using influencers in those communities. We should be engaging with those communities to find out what is the most effective way of communicating.

Obviously, the other issues that arise are in relation to children. We talk a lot about the issues in schools at present in relation to Covid and what is the best thing to do about children, what is the best advice to give them, and what about sending them to school or not. For migrant workers who have children, there is the added issue about advice needing to get through to them, not only in relation to the importance of availing of the vaccine programmes, knowing where vaccines are available and knowing how to go about getting a vaccination, but also in relation to how to handle situations with children. That relates to getting teenagers vaccinated but also what to do about younger children, keeping them off school when they have symptoms and so on. We must redouble the efforts here because we are not reaching those hard-to-reach communities, in spite of reasonable efforts. Those efforts must now be redoubled. However, the Government needs to find out from a cultural and ethnic perspective, what are the best ways of doing that and seeing what are the best platforms and ways of communicating. I strongly urge the Minister to do that.

There were 3,500 PCR tests available in the Dublin area last night at midnight. That is a huge number. At 7.30 a.m. there was not a single one left. In spite of the huge efforts that were made, we are not meeting the demand that is there. That means people do not have the opportunity to get tested and get advice, and nor do their immediate contacts. It also means that while we are seeing very high numbers every day, inevitably they are understating the situation because there is under-reporting due to the lack of availability of testing. That has to be addressed urgently.

At one point there were no tests available in the Minister's constituency and someone contacted their GP and got a test very quickly. That is great for that person but what exactly is the route to getting tests? If it is the case that you can get one if you go through a GP, that puts further pressure on GP practices. There needs to be clarity on the best way for people to go about accessing tests. Up to the last couple of days, it took at least a week for people to discover that the tests were only being loaded at midnight. Many people went without having tests because that was not known. Overall, there is a shortage.

Antigen testing is a huge issue. I raised it with the Taoiseach earlier today. I was concerned that he seemed to be very definitely rowing back from the commitment that had been given. The Minister said he thought the tests should be available free or heavily subsidised. Today, the Taoiseach did not exactly say that. There was considerable disappointment. We expected the announcement of a scheme after yesterday's Cabinet meeting. That did not happen. We are now told it might happen later this week or next week. However, the Taoiseach did not confirm that there would be a subsidised scheme and that concerns me. Will the Minister clarify that this evening?

Ventilation has been consistently ignored in spite of it being one of the single most important tools that people can use. There is need for very clear advice. The NHS has put out a cam-

paign telling people to treat it as though it is smoke in a room. You open the windows to create ventilation and airflow. It is an airborne virus. People pick it up by breathing it in. The priority must be that as far as possible in indoor spaces, the air is kept clean. There is very little advice on that here - in fact it is rarely mentioned in public health messaging. That is a huge omission. I ask the Minister to address that.

Deputy Alan Farrell: Reflecting on what is effectively two years of tough decisions and lockdowns, it is hard to believe we have societal integrity in the State, particularly when we look at countries very near us beginning to have difficulties with spikes in Covid and then the protests against subsequent decisions. It is testament to the Irish people in their entirety in how they approached this. This Government and the previous Government have approached this from an entirely scientific basis.

(Interruptions).

Deputy Alan Farrell: Shall I continue? The lights are off but the mics are still on so I can keep going.

An Leas-Cheann Comhairle: Keep going.

Deputy Mick Barry: It is the data centres.

Deputy Alan Farrell: It is important to highlight that the Irish people have reacted to this appropriately. They have followed the science, as has the Government, and continue to do so. It is the only way.

A great deal has been learned in the last year in particular. As noted many times, there is no handbook for society's response either in Ireland or globally. Those tough decisions have been taken with public support and have saved lives. There is really no other issue to be discussed. We have one of the lowest *per capita* death rates in the world and compared with our European partners we have performed extremely well. When I say "we", I mean the Irish people. At all times, the Government has faced extremely difficult circumstances and has been guided by the medical and scientific community. While there have been a few differences along the way, in the main the vast majority of medics have agreed with the approach adopted.

The vaccination programme has been an extraordinary success both in its uptake and the trust that people placed in it, but also in the work done by the HSE and Department of Health in getting it rolled out. There were some initial supply issues, but in the end we have one of the highest vaccination rates in the world. That is an extraordinary testament to the Irish people. It is imperative that anyone who remains unvaccinated speaks to a GP. They should speak to a trusted family practitioner or, if they have access to an epidemiologist or virologist, they should speak to them. With the exception of those who might have medical conditions or who took a dose and had an adverse reaction, something I am sure has happened in every constituency, by now it is evident given the numbers of vaccinated and unvaccinated in ICU and hospitalisation that there is a clear pathway to ensuring that we continue to protect one another and avoid unnecessary death as a result of the virus.

The recent European Centre for Disease Prevention and Control, ECDC, chart proves that. It shows the level of vaccinations with Ireland at the top of the graph at 93%. Bulgaria is at the bottom with 29%. However the stark reality is that Ireland has 15 deaths versus Bulgaria's 325 per million. The populations are 5 million here and 7 million there, so it is not far off in being

an appropriate comparator.

The ECDC also reported on the case numbers in hospitals in Ireland, Luxembourg and Slovakia. It showed that 2.5 persons per 100,000 in hospital were vaccinated with the balance being unvaccinated, which was 7.5 persons per 100,000. Those figures are extremely stark. Some of the consequential death rates around the world, then, are avoidable. To emphasise that, between April and November of 626 people admitted to ICU with Covid 19, some 63% had not received a Covid vaccination. The data cannot be clearer. We must also ensure that the third dose, or booster, campaign is rolled-out with the same efficiency that we saw with the initial vaccination programme, and in particular the use of our regional facilities, GPs, pharmacies and others, to get it out as quickly as is we possibly can. I welcomed, with some relief, the Minister's remark that 300,000 is now the weekly possibility for the third dose programme. That is up from 230,000. However, we must also be cognisant of the different rates of efficacy of the vaccines already administered. MRNA vaccines are more effective in the long term and non-MRNA vaccines, particularly that of Johnson & Johnson, is waning, as the Minister and others have noted. While the age-based approach is of course the correct thing to do, we must have a conversation about when the cohort who received the Johnson & Johnson vaccine will be vaccinated again.

An Leas-Cheann Comhairle: The Deputy is sharing time with Deputy O'Donnell.

Deputy Alan Farrell: In that case I will conclude by emphasising the importance of antigen testing and the importance of the HSE getting behind it, which was referenced by my colleague, Deputy Higgins, earlier. It is now policy. It is now in the public domain. It is now being used so we need our medical experts to bring the same level of expertise they brought to everything else in this pandemic and get behind antigen testing as well. As a final remark, others have described at length how it is very difficult to get an appointment for a PCR test in Dublin. We need to do considerable work to improve on that.

Deputy Kieran O'Donnell: In the time I have, I want to deal with a couple of items relating to Limerick. They come under the headings of testing and University Hospital Limerick, UHL. On the testing side, we have a testing centre in Ballysimon on the Ballysimon Road and RocDoc in Shannon is also being used. This morning you could not get an appointment in Ballysimon. Later today you could not get an appointment either in Ballysimon or in RocDoc. We have an issue. We need a further test centre in Limerick. I ask that request be looked at seriously and that it be put in place. If we are encouraging people to get tests there must be available capacity. I understand the pressures. The Minister will appreciate I follow metrics. This morning you could not get an appointment in Ballysimon Road and this afternoon you cannot get one there or in RocDoc in Shannon. That needs to be looked at. We need another test centre in Limerick.

Moving to UHL, the number on trolleys was down to 43 which is a welcome change. A little over a week ago we were at 95. I wish to point to a number of issues. My first request is one I have made already. The Taoiseach has given an assurance, and I put it to Paul Reid of the HSE today as well. I ask that UHL be entitled to apply under the winter preparedness plan for whatever resources are required. For me, the metrics are we have 43 people on trolleys as of today but we have 14 people in ICU. The last time we had 43 people on trolleys was back on 14 November, a little over nine days ago, and the number of patients in the ICU was nine. Thus, we have 43 people on trolleys but we have 47 patients with Covid, so in UHL we now have more patients with Covid than are on trolleys. It is a welcome change with the trolleys but it shows the significance of Covid. Of the 47 Covid patients, 14 of them are now

in the ICU. The last time we had 43 people on trolleys, we had only nine people in the ICU. We therefore have a serious problem in UHL with bed capacity. Yes, the 98 beds were very welcome but we got 60 beds that were brought in to alleviate pressures. That is something for which I campaigned for a long time. However, that 60-bed ward is now being used as a Covid isolation ward, and correctly so. Nonetheless, it is not being used for the purpose of alleviating pressure on the hospital itself.

It is not just about bed capacity. It is about available medical personnel, including doctors, especially junior doctors, nurses and medics right across the board. This is something I am looking at. On 16 November, which was last week, we had 95 people on trolleys. Within two days, that was down to 58. I must ask the hard questions. It is a combination of major capacity issues that are historic, the 60 beds being used as a Covid isolation ward and the staff being under immense pressure. They are fatigued, tired and worn out. They have people coming to them who are seriously ill. My ask is straightforward, namely, that UHL be provided with whatever it needs to get through this winter period. It will probably be multifaceted. It will be step-down beds out of the hospital and it will be extra staff. Whatever is required must be provided. We have a 96-bed acute block going out for tender and we will be pushing very hard for that to be funded so we can get it up and running quickly. However, in the interim, we must get through Covid and through the winter period.

My first ask is that UHL can avail of the winter preparedness plan and that it be flexible. It would not just be about looking at going into the community. It would be extra junior doctors, as I have mentioned, coming through so they can deal with the volume of patients presenting. Covid is endemic in our hospitals at the moment. If you have 43 people on trolleys and 47 people with Covid in the hospital, it gives you a dynamic. Of the latter, 14 are in the ICU. Second, we need a second testing centre in Limerick. People are availing of it. The Ballysimon centre and RocDoc in Shannon are now booked up. I ask that the provision of a second centre in the city be looked at seriously.

Deputy Brian Stanley: I am sharing my time with Deputy Cronin. We are lucky in this State to have widespread public support for the broad suite of measures we are implementing. We do not have the same difficulties as other countries have. However, the public want solutions and quicker and decisive action to address the Covid-19 surge. We need to see a much quicker roll-out of the booster vaccine programme. This has been referred to by Government Deputies as well. It needs to be ramped up with additional centres in additional locations, as well as greater involvement from GPs and pharmacies. We need to get up to the pace we were at in June and July. I think the Minister mentioned 200,000 earlier. We should push that up to 300,000 and beyond if possible. We need to gear that up because it is going to be trickier to control this in winter.

We also need to deal with the issue of antigen testing. Workers and families need access to affordable antigen testing on a regular basis. We were asking for antigen testing to be looked at as far back as 18 months ago. Right now outlets are charging up to €15 for a single such test. If you want to slow down the spread of Covid, we need people who are asymptomatic to be regularly testing themselves and to avoid unknowingly spreading the virus. We need greater access to PCR tests for those who have symptoms. We must try to deal with this issue. It is really important people have access to a very accurate PCR test. People are having difficulty accessing the PCR centres. We need more walk-in centres opened so the public can have access to them in order to slow down the spread of the virus.

On healthcare facilities and hospitals, I am aware we came into this crisis with under capacity, with less than half the ICU beds we need. That is accepted now. However, we have had more than 18 months to respond to this. I know the capacity cannot be magicked up as specially-trained staff are needed and it is not as simple as just putting a bed into a room but we must try to improve ICU capacity. We have hundreds of people on trolleys. We have that every winter. We knew this was coming and the capacity issues are nothing new. I highlight to the Minister that in Midland Regional Hospital Portlaoise there are only two permanent ICU beds. There are four in Midland Regional Hospital Tullamore. If you do the maths, with the population ratio of the region, it is way under what is required. I ask the Minister of State to look at increasing the capacity in Portlaoise and Tullamore hospitals as we move ahead. We put forward a proposal in our budget - we were serious about it and did not do it for fun - for the allocation of funding for 600 extra acute beds, 34 ICU beds and 194 specialist beds at a cost of €124 million. The Government proposed 19 ICU beds and while every bed is welcome, we believe we need to go further than that. Our proposal includes provision for 2,500 extra staff. We need to see that level of ambition coming from the Government.

There has been a lack urgency and some foot-dragging by the Government on this. We are living with a virus for almost two years now, yet we are still trying to play catch-up. We need to be more proactive, we need to get ahead of it and we need to up our game.

Deputy Réada Cronin: When it comes to the new Covid measures, parents in north Kildare and I are still very worried about primary schools. The Minister for Education, Deputy Norma Foley, knows that I have been asking about air quality in classrooms for a long time now. Her most recent reply came back yesterday. I had asked when high-efficiency particulate absorbing, HEPA, filters would be installed in each classroom, given the growing international medical and environmental evidence that is building and the consensus that Covid-19 is airborne. HEPA filtration is an important and effective mitigation measure. The reply came back but, as is customary within the walls of this Chamber, the question remained unanswered. Instead, there was the usual “whatever you’re having yourself” about ventilation being part of a suite of measures. What is that suite of measures? Given that there is no contact tracing, isolation, masks or vaccines for that age group, what suite of measures is the Minister for Education talking about?

Covid is airborne. That is a fact, whether this Government wants to accept it or not. Carbon dioxide monitors, pods in the classroom and monitoring do not clean the air. The €57 million that was spent on hand sanitisation does not clean the air and neither does repeating *ad nauseam* that schools are safe. No more than the Taoiseach saying there was no bank bailout, I am glad the deputy chief medical officer has come out this afternoon and decided to stop repeating that schools are safe. That does not mean we have forgotten about the Minister for Health and the Minister for Education repeating that schools are safe. We know that nowhere is safe in a global pandemic, certainly nowhere indoors.

We have had 14 cases in Leinster House over the past week. There is all this political nonsense while teachers are out sick, children are being exposed to a novel virus when we know very little about its long-term effects and parents are being left in the dark. It is not too late to do the right thing, which is to prioritise clean air in our classrooms. It is penny wise and pound foolish doing anything other than that. Our children need their schools to be open and they need access to education. Schools need to stay open, but they need to do so safely. HEPA filtration is a no-brainer and I ask the Minister of State to put it in place as quickly as possible.

Deputy Gino Kenny: I will share an encounter I had today in the canteen in Leinster

House. I spoke to one of the service officers who I had not seen in a considerable time. He said I could mention his name, John. I said I had not seen him in a while and he said that he had been very sick with Covid. It was very touch-and-go as to whether he lived or died. He lived, but he wants to say a big thank you to all the staff in the Mater hospital who saved his life. It just shows that, through this pretty awful virus, people survived and can tell the story. I wanted to start with that good news story.

Many people are fatigued and weary of this virus, but a collective resilience is also going on that has brought us through the worst ravages of this pretty awful disease. Whatever we do next, things hang in the balance. This virus has shown itself to be very adaptable and we have to adapt to it. There is almost a counter-attack by this virus on the world and we need to attack the virus because it is like a war situation. I will be constructive rather than destructive on this issue. I try to be constructive as much as I can because it is collective effort that will get us through the dark days of this dire virus.

A number of issues need to be looked at, including contact tracing in schools and walk-in PCR testing, both of which the Government has let its guard down on, and ventilation, which, as many of us have said, has not really been taken as seriously as it should. Even in the Chamber, many of the windows are open. They are open for one reason; this is a viral condition and the more fresh air that comes into a building, the better the chance that people will not contract the disease.

There are also mixed messages about antigen testing. There is quite a lot of ambiguity on that, and on whether people will or will not use antigen tests and the situations they will use them in. They are a good tool to have in the arsenal against this disease. I will make the comparison to hand-to-hand combat. Sometimes those antigen test kits are needed and they should be freely available. The Minister talked about the cost of them on the radio a few days ago, but that is open to question. Pop-up centres were very successful at the height of the pandemic. Many people used them and they are very useful during this pandemic.

On ICU capacity, I will run this movie forward. I do not want to be pessimistic but if the worst ravages of this disease, as projected by the National Public Health Emergency Team, NPHET, were to result in 400 to 500 people in ICU we would have a serious problem in this country. Doctors and nurses would have to choose who gets ventilation and who does not. That is a pretty dire situation that will, hopefully, never happen but if it does, we do not have the capacity because of the historical legacy of cuts to public health services throughout the past 25 years.

When we come out of this, which we will, and we will come out a stronger people because that is who we are and it is what makes us good, one issue will be access to health services. I do not know the Minister's ideological position regarding public and private health services. My ideological position is that I am categorically for a one-tier health system, not a two-tier system or one of private insurance. I am for a system like the National Health Service, NHS, which is not perfect by any means, but it is the system that produces better results for everybody. Hopefully, at the end of all this, we can say our Irish system gives to everybody regardless of whether someone is on social welfare or is a millionaire.

Deputy Mick Barry: I will focus my comments on the situation in schools. We have 600 teachers who tested positive for Covid in the first two weeks of November and 10,000 primary students absent from school for Covid-related reasons. In fact, one school in Cork has 100 stu-

dents who have contracted Covid since mid-term out of a school population of just 765. Why? It is clear that the Government moved to reopen society too quickly and bowed again to business interests on that front.

I do not have time to drill down into that. I will focus on mistakes I believe have been, and are being, made in the schools and need to be corrected. We have a school population of approximately 1 million people. There are 3,000 primary schools and 1,000 secondary schools, with a population that is indoors for the vast bulk of the day at a time when we are combating a disease that is mainly airborne.

7 o'clock

The question of ventilation is clearly key. I have been following the comments of Professor Orla Hegarty from the UCD department of architecture who seems to be very sharp on these issues. She has calculated that we would be able to provide best possible defences for the school population, with ventilation measures, for approximately €12 million or approximately €10 per child. That would not just mean keeping the windows open or sharing CO2 monitors but having monitors for every classroom and, crucially, not having just a few HEPA filters but a HEPA filter in every single classroom in the State, which is the position in Germany and a million miles from the position in this State. The situation here needs to change.

In Scotland, Greece and France, for some time now, there has been antigen testing on a twice-weekly basis of the entire school populations. The test kits are sent out to families and they are asked to conduct tests on a Monday and Wednesday. It is not a perfect system - screening systems are never perfect - but it is a good one and way ahead of the position in this State on antigen testing in schools. It seems this is an example that could and should be followed.

I have spoken before about contact tracing and I will not spend much time on it now. It was a serious mistake to scrap the test and trace system in schools. We only have to look at the current case numbers among primary school children to show that was a mistake and one that needs to be fully and completely rectified.

As I have only a short time to speak, I will comment on two issues we will need to deal with going forward, namely, the wearing of masks at primary level and vaccination at primary level. Mask wearing operates in primary schools in France. It seems to work quite well, but seems to be off the agenda for the Government here. That issue needs to be revisited as there would be real advantages in doing that.

Vaccines have been approved for under-12s in the United States. In Europe, we are awaiting a decision from the European Medicines Agency, EMA. If it makes a positive decision, the Government must not look around this way and that way asking what we should do now. The bones of a plan need to be in place in order that we are able to move very quickly on that issue and not pushing it back unnecessarily deep into the new year when a start could be made at an earlier point.

Deputy Jim O'Callaghan: I am sharing time with Deputy Murnane O'Connor.

I remember 20 months ago, in March 2020, we were here debating the amendment to the Health Act 1947 in response to the pandemic that had just arrived on our shores. I know many other Members in the Chamber this evening were here when we were all congregated discussing the amendment of the Act and the emergency measures to be introduced to provide financial

support in light of the closure of businesses that was taking place. If we had been told that 20 months later, we would still be talking about the pandemic in this Chamber, our hearts would have dropped. I do not think we expected it to go on for this length of time or that it would be so challenging. At the beginning of the pandemic, we had limited information. If we looked at it objectively, we would be able to look at history and the experience of the Spanish flu from 1918 to 1920. We would note that the Spanish flu went on for two years and there were four waves.

Although the pandemic has gone on longer than any of us would have hoped, we are in a stronger position than we were in March 2020. We now have a huge amount of information about the pandemic. There will not be a pandemic that has as much data prepared and recorded about it as this coronavirus pandemic of 2020 to 2022. We need to learn from those data and see what they have taught us. The first thing we learn from them is that this is a highly infectious and contagious disease. However, we know that Covid cases can be cut down through the imposition of restrictions. The more severe the restrictions, the more likely it is that we will be able to reduce Covid cases. However, experience has also taught us that while restrictions can be imposed quickly, it can take a long while to remove them. It is difficult to remove restrictions once they are imposed.

We have also learned that once restrictions are lifted, Covid cases will rise. If we look at any country around the world where there have been restrictions that have then been lifted, we will see that, inevitably, Covid cases will rise. Such has been the case. It applies especially to colder countries. When one looks at the statistics in respect of Europe, the countries in northern Europe, in particular, are going through this latest surge of the virus.

We also need to recognise that vaccination has transformed the position we were in last year to where we are today. We are now in a situation in which 93% of those eligible to be vaccinated in this country have been vaccinated. We can see the effects of that in the growth of Covid cases since we have lifted restrictions. There has been significant growth in Covid cases, but not the exponential growth we saw previously in the pandemic. We can also see, fortunately, that the number of deaths has reduced remarkably, which must be due to vaccination. We can also see the number of Covid cases going into hospital and ICU is not as great as it was prior to this wave. We are learning more and more information about the virus as we go on. We need to use that information carefully when we come to making decisions in respect of it.

We are now seeing people in Ireland reduce their social interactions and that is having a consequence on Covid cases. I am hopeful we are now going through a plateau period in Covid cases and we will subsequently see a reduction. However, it is important to emphasise there is nothing surprising in the fact that Covid cases have risen in recent months, as a result of having lifted restrictions. What is not inevitable is that they have to keep growing and, fortunately, because of the behaviour of Irish people, that growth has been reduced.

In terms of areas on which we need to have greater emphasis and concentration, we need to ensure we get the booster vaccines out as quickly as we can. We saw they were effective in reducing the wave that took place in Israel a number of months ago. We also need to be aware that when it comes to the booster programme, those who are immunocompromised have to be prioritised and I welcome the fact the Government has done so. The very elderly have now received their booster vaccines and the immunocompromised are in the process of receiving them.

The Minister for Health, Deputy Stephen Donnelly, and the Minister of State, Deputy But-

ler, are supporters of antigen testing. I raised the matter in the Dáil in April. We have probably been too slow in coming to use antigen testing. That may have been because of the opposition of NPHE and the HSE, but it is now apparent we need to use it as a tool of assistance to us in our response to the pandemic.

A number of Deputies made statements about schools. Obviously, there is an issue of concern about schools. However, we also need to recognise that we cannot overstate the importance of children attending school to their educational and social development and, indeed, their general public health. It is important to public health in this country for schools to be open and for children to continue to go to school. It is essential for their educational and social development. We saw what happened when schools were closed. Children suffered badly, particularly those with special educational needs.

Something that we probably do not mention sufficiently is that the ongoing anxiety and uncertainty related to the pandemic cause significant trauma for the people of this country. I do not think we recognise the public health implications that the anxiety caused by the pandemic is having for the general population, especially young people.

Deputy Jennifer Murnane O'Connor: My concern is the pressure on the health system. I receive calls from people in Carlow asking what is going to happen. It is five weeks until Christmas. Are we looking at a local lockdown? Will schools close earlier? What will happen with businesses? Should people get their vouchers now? If we can, we need to give people more information about what is happening.

I raised issues with PCR testing in Carlow with the Taoiseach, the HSE and the national immunisation advisory committee. At 9 a.m. today, there was not one PCR test available for anyone in Carlow. I have listened to other Deputies and it seems to be an issue across the country. I have had calls from constituents who had symptoms, could not access a test and had to take time off work. They may not have Covid but they are still losing out on work because they do not know if they have it. I ask that we look at what we can do about people who do not know if they have Covid and whose families may have to stay at home.

Regarding the extension of Covid passes, are we not looking at antigen testing as an option, as is the case in many other countries? It is used in colleges and schools. Why not provide access to other services, such as cinemas or gyms? It could be helpful. Vaccinated people can spread the virus as easily as unvaccinated people, which is important. I recently raised with the Minister the matter of a Carlow business which can play an integral part in tackling the crisis. Other businesses have solutions too. People are worried about whether they are doing enough.

People have a genuine fear about the drug being trialled. They are too scared to get the vaccine. It is not that they are being selfish, but that there is genuine fear. I know we are trying to provide information that the vaccine is safe but young people are still nervous. Another group of people I have spoken to includes those who, through no fault of their own, cannot get the vaccine because of medical conditions. One woman told me the other day that she feels she is being discriminated against. She wants to get the vaccine but cannot do so because of her medical issue. I note the European Commission concluded that fully vaccinated people are less likely to die with Covid-19 than those who are not vaccinated. The higher the vaccination rate, the lower the death rate.

I know the matter of schools has come up. I raised it with the Minister for Education previ-

ously. Carbon dioxide monitors need to be supplied to schools. Some record inadequate levels of ventilation. I know the Minister is working on the issue. When I was driving to Dublin today a lady from Carlow rang and told me she had been trying to get a PCR test. She said her kids were at home and were coughing, so they had to be tested because they could not go to school. The school the boy goes to will accept three negative antigen tests to allow him back. The other school, which her daughters attend, requires a PCR test. While she can send her son back to school because his tests were negative, she cannot send her daughters to school because the school is looking for a PCR test, which she cannot get in Carlow. Maybe the Minister could look at this issue. I was delighted to hear the news from the Minister about substitute teachers yesterday.

When I get word about the booster vaccine, I will definitely go for it. I encourage people to get it. A man came into my office who had got his two vaccines. He is well into his 60s and has a medical condition but has not received any word on the booster. I ask the Minister to come back to me about this. My understanding is that people have to be referred for the booster vaccine by their doctors. It is not like before when we went for our vaccines and were all delighted to go. People got a message by text saying they had an appointment at a certain time on a certain date. I understand the position is slightly different for the booster. I am trying to figure this out. Will the Minister clarify the matter? Can I tell people they will get a referral from their doctor and that it is not like it was previously?

We should compliment everyone in the HSE. We have a good Covid-19 vaccination rate. People say the vaccination was really well done. I compliment everyone involved. It is important that we all get the booster. I will go straight away when I get word about it. People are worried about the current setback. We could give them more information. Many people ring me about Christmas asking what they can do. I ask that we keep that in mind. I thank the Minister.

Deputy Patricia Ryan: Cuirim fáilte roimh an deis labhairt ar an ábhar seo. The Government is failing the Irish people in its response to Covid. While we in Sinn Féin agree with the approach of following the available medical advice, the Government is slow to share this advice. Yesterday's briefing to the Opposition by the Chief Medical Officer was a welcome development but communication must improve. There is a lack of planning and leadership by this Government. There is no strategy that I can see except for the kite-flying that we have seen, the latest example of which is the subsidising of antigen tests. There is no sense of urgency in the Government's approach. Keeping the health service functioning must be a priority. Why is it business as usual for private hospitals while public hospitals have widespread cancellations of surgeries and appointments? Waiting lists were bad enough before the pandemic. Urgent action must be taken before we reach a tipping point where a return to normal services becomes an impossible task.

The Government must do better with workplace planning in the health service. I have spoken with front-line workers. They do not feel appreciated. We have had suggestions of various one-off bank holidays, including suggestions for a thanksgiving holiday, with the latest being that we have a black Friday, a toy show day and whatever else. There was a crazy suggestion of a trip to Leinster House. Surely front-line workers have suffered enough. They want the health service to be fixed. They want a normal place to work where they do not feel they are under constant pressure. They do not want gimmicks. They just need what they deserve.

The testing system is broken. A friend of mine went to the HSE website yesterday to book a Covid test. Thankfully, my friend did not have symptoms but needed a negative test to be able

to undergo surgery later in the week. They tried to book a test on Sunday, Monday and Tuesday in Kildare. There were no available appointments on three successive days. Yesterday, my friend tried Offaly but no appointments were available there either. Then they managed to secure the last available test in Laois. This is not good enough. We now know that 21 centres cannot offer tests.

Why is the Government dragging its feet about ventilation for schools? I know other Deputies have spoken about ventilation. A HEPA filter would make a significant difference to the health of our children, their teachers and special needs assistants. I was in a charity shop a few weeks ago which had a portable air filtration system. Even a charity shop, with its meagre resources, had prioritised the health of its volunteers and customers. This Government must do better.

Deputy Sorca Clarke: I want to raise two specific issues this evening, the first of which is testing. In my constituency of Longford-Westmeath, there are no slots available today for PCR tests. People want to get tested. This delay and the inability to avail of a test during the current surge of Covid are unjustifiable. One of my staff members needed to get tested. She was fortunate to be able to get a slot, but that required a 128 km round trip from Athlone because there is no testing centre in the area. Anyone who goes to the website will be directed to the centre in County Laois referred to by Deputy Patricia Ryan.

This Government has no plans to increase the number of testing centres. I have spoken to the HSE locally and I was told it is a national decision and that the HSE has not been given the go-ahead or any hint of a go-ahead for additional testing centres in Athlone, Mullingar or Longford. I raise this issue because Westmeath has the highest percentage on a 14-day rolling average of cases across this country. Longford has the fourth highest percentage of cases. We need additional test centres. Earlier this week, I implored the Minister for Health to put those in place. I am still waiting for a response to that request. I would have appreciated getting it this evening but the Minister has left the Chamber.

There is another issue. From the beginning, we have been hearing from the HSE about the importance of hand hygiene. There are still 17,500 people in Longford on a boil water notice. Most of those who have underlying conditions are terrified not only of the pandemic but what is coming out of their taps.

I will move on to schools. While I welcome the introduction of antigen testing in schools, finally, this is not good enough. There needs to be change. We need to move to a place where schools feel supported. We all agree that children were out of school for too long, but the principals with whom I am engaging are telling me they feel abandoned. To add insult to injury, the Minister of State, Deputy Troy, was on national television trying to tell people that schools were funded for HEPA filtration when the funding was for CO2 monitors. One principal I spoke to got five monitors, two of which, straight out of the box, did not work and three gave different readings while hanging in the same room. We all want and need proper HEPA filtration systems in classrooms. They need to be put in place as soon as possible.

One of two things are happening here. This is either chronic bad management and a lack of leadership or it is the first step in the Government accepting what Dr. Ronan Glynn said earlier about Covid being out of control and moving to a stage of assuming and accepting that we will all get it.

Acting Chairman (Deputy Denise Mitchell): The next slot is being shared by Deputies Verona Murphy and Fitzpatrick.

Deputy Verona Murphy: In the first days of Covid, in February 2020, we were a country gripped by fear of a pandemic for which we were ill-prepared. The scenes from Europe alerted Government in Ireland that we did not have a plan to deal with a pandemic. The Government decided that to prevent the spread and allow it to prepare, time and money was needed. We locked down, private hospitals were taken over to ensure bed capacity, preparations commenced to put in place a gold standard test, trace and isolate system, and capacity was increased to ensure we could contain the virus, reduce spread and increase ICU capacity. The motto was “No stone would be left unturned”.

In May 2020, we had no sight of a plan that the Government intended to reopen. We had to push on the floor of this House for one to be produced. In late October 2020, I raised concerns and questioned the capacity of the test, trace and isolate system. I was told it was more than adequate. Yet, three weeks after opening up in November, it collapsed, and just as Christmas dawned, the country went into the longest lockdown in the EU. In contrast, elsewhere in the EU, antigen testing was being widely used as part of an armoury to allow society to reopen. In March this year, the French insisted that every Irish driver entering France had to provide a clear antigen test to show a clear Covid status or risk being turned back. The French authorities gave the Irish Government a list of over 40 approved antigen tests that could be used. At the same time, NPHET continued to deny that antigen tests were reliable.

There was talk of a vaccine. It would be the Holy Grail. Despite numerous calls from eminent medics and Opposition Deputies, including me, to invoke antigen testing on a widespread basis as the vaccine on its own would not be enough, such was NPHET’s disbelief that one of its members described antigen testing as snake oil. Needless to say, those requests fell on deaf ears. Twenty months into the pandemic, we are still a country gripped by fear of a pandemic for which we are ill-prepared. Twenty months since the Government first said it would implement a gold standard test, trace and isolate system, it has not done so. Today, in 21 counties people are unable to get a PCR test.

The Government said it would increase ICU capacity and implement widespread antigen testing; it did not do so. Public confidence in the Government’s ability to do anything but lock down is waning because the most elementary of measures required to contain the virus and allow society to live with Covid are in the same place 20 months later. It has been clear to everyone that the vaccine was a bonus, not a panacea. There is no panacea. Medics predict that this virus will be with us for years. The Government’s inability to devise a long-term strategy to allow us to live with Covid is now compromising the health of the nation, with the cancellation of critical transplant operations and almost all other elective surgeries.

I agree with Government that this is a surge. The question is what is it doing about it. In addition, the messaging on antigen testing between the Government and NPHET is now more confused and contradictory than ever. People believe that the Government’s default position is lockdown. The Government will say it has no choice and that other countries have failed. We should not rely on the failure of others to defend ourselves. There were choices, but the Government did not make them. If we are to endure another lockdown, can we at least have a commitment from the Government that NPHET and the HSE will devise a long-term strategy, one which must ensure a resourcing of all of the aforementioned and the use of whatever supports are available in the armoury to allow us to live with Covid in the long term once and for all?

I am asking for a commitment from the Minister of State, Deputy Butler, that walk-in test centres will be set up immediately, especially in the 21 counties where PCR tests cannot be obtained. Councillor Jackser Owens, an independent councillor in Enniscorthy, County Wexford, called for this on Tuesday. I have endorsed his call. I am asking for a clear commitment from the Government that this will happen in order that people will be allowed to enjoy Christmas.

Deputy Peter Fitzpatrick: I welcome the opportunity to speak. Ireland had its first official case of Covid in late February 2020. Almost 20 months later, we are still fighting this pandemic. Case numbers have rocketed in recent weeks. As we get closer to Christmas, many people and businesses are unsure of what is going to happen. Unfortunately, the message from the Government is not clear. To be honest, it is creating a situation where people are speculating on what is likely to happen next.

We hear members of NPHET making statements daily in the media that appear to be at odds with what Government Ministers are saying. This is adding to the worry of people and businesses in general. We have had a number of lockdowns, but we are back at a point where case numbers are increasing at an alarming rate and hospital cases are steadily rising. We have been led to believe that Ireland has one of the best records on vaccination in the world, yet our case numbers do not reflect that. Surely the Government must learn from previous actions taken and realise that something different needs to be done.

I do not have the answer to solving this crisis, and nor does any Member of this House. We must look to other countries that have managed to contain the virus to see what has been done differently. Simply locking down society is not the answer. We have tried that and each and every time we have returned to the position in which we now find ourselves.

It is important that this issue not be used as a political football by people trying to get publicity. We must all work together, along with the public health advisory team, to ensure Covid is beaten once and for all. My greatest fear in all of this is what is coming down the road for health services. How many people have had medical appointments cancelled as a result of the pandemic? How many people have had diagnoses of serious medical conditions such as cancer missed because of a cancelled appointment? Unfortunately, the answers will only become clear over the next number of years. I hope I am wrong in this but I fear what is coming next. This week, we heard of an organ transplant operation being cancelled because of issues in the health system arising out of the Covid crisis. How many more life-saving and critical medical procedures were cancelled for the same reason?

The public are very weary. People are weary of all the restrictions they have faced over the past 20-odd months. They are weary because they do not know what is happening from one day to another. I have generally supported the Government in its handling of the pandemic. This was a situation nobody could have predicted and there was no roadmap for it. However, having had 20 months to deal with the situation, it still seems like the Government does not to know what to do next. I call on the Government and the Taoiseach to lead this country by bringing forward a roadmap that clearly shows how we can beat the pandemic. The public needs to be given assurances that the measures that are proposed will work if implemented. I know from speaking to many of my constituents in Dundalk and the surrounding area that people want to know how we can get ourselves free from this pandemic. The roadmap needs to be clear and simple, with a clear timeline of implementation. We cannot continue with a situation where there are different messages coming from all parties on almost a daily basis.

To reiterate, we need a clear and precise roadmap. The Tánaiste said recently that the implementation of strict measures cannot be ruled out. The Minister for Transport said a final decision will be made down the line. The Minister for Health has said our situation is not unique and he is monitoring it closely. The Taoiseach stated that the current surge is a dramatic reminder of what this virus can do and that continuous progress in a journey to normal conditions is not inevitable. NPHET has indicated that further measures may be required but it has not specified what measures are needed. I listened to Dr. Ronan Glynn's statement yesterday in which he gave an update on where we are. He said the Delta variant has increased dramatically over the past four weeks, from 5% of cases in June to approximately 70% now. It is twice as transmissible as the variant we were dealing with this time last year. Over the past two weeks, our 14-day incidence rate has increased by 30%, with the five-day average of cases rising from just over 300 to 500 per day. The positive test rate has increased despite the higher numbers attending test centres.

As I said, the measures introduced must be clear and concise and we must have a roadmap. I urge the Government and NPHET to work on a clear plan that will get the country free from this virus. It is not a simple task but we can look to the countries that have been successful, see what they have done and implement the same measures. Simply putting the country into another lockdown is not right. It has not worked on the three previous occasions and we cannot expect it to work now. We deserve to know what is happening and to have an end to speculation. I do not want to walk down the street in Dundalk or Drogheda and have people asking me whether such-and-such is happening on 13 December or 20 December. We need to stop the speculation and get a roadmap in place. I am glad to see the Minister, Deputy Donnelly, is back in the Chamber. We need a roadmap that is precise and we all need to be speaking the same language.

Many Deputies referred to PCR tests not being available in 21 counties. That is the case in the two largest towns in my home county, Louth. The Minister gave a commitment earlier that a pop-up centre will be set up in the area. There are 21 counties in this situation and we know prevention is the best cure. It is very important that we acknowledge that.

Deputy Emer Higgins: This evening, we learned of 3,893 new Covid cases within our community. A total of 43 people with Covid-19 have, sadly, passed away in the past week. There are currently 611 people in hospital with Covid, 132 of whom are critically ill in ICUs. I ask the Minister to imagine for just one second that we could change this. Let us imagine if we were able to bring in a simple and cheap intervention that could decrease dramatically the number of people fighting for their life in ICU, and if we were brave enough to take a bold decision instead of waiting for additional information and evidence that may come to light to satisfy NPHET. The vaccine is most certainly the critical armour in our fight against Covid-19, but vitamin D can also play a role. Yet, I have never once heard the Minister talk about it and it has not even been considered by NPHET since last May.

Emerging global scientific studies show vitamin D supplements are proven to help people fight infection and recover from illness. We know there is too low a take-up of the vitamin in Ireland. Recent studies by the school of biological and health sciences at Technological University Dublin, Trinity College Dublin and the Royal College of Surgeons all suggest that low vitamin D status may be associated with poorer clinical outcomes and increased mortality among those hospitalised with Covid-19. These results complement the data coming from St. James's and Connolly hospitals, where studies were conducted independently and on different patient groups. These scientific studies show that increasing vitamin D intake among the population could be a game changer during the Covid pandemic.

Why is the Minister not recommending that people take vitamin D? Why are high-dosage vitamin D supplements not being given to people presenting at PCR test centres? This simple and cheap intervention could be a mitigation measure that protects our health service at the time it most needs it. It is nine months since I asked the Minister to do this and six months since the Joint Oireachtas Committee on Health recommended he take action on the use of vitamin D in the context of Covid. Let us look at the statistics. Almost half of those aged 18 to 39 in Ireland are deficient in the vitamin. More than two thirds of people over 80 years of age and two thirds of those in nursing homes are deficient. A total of 93% of members of black, Asian and minority ethnic communities are deficient. Considering what we know about the vitamin's role in infection prevention and recovery, through the scientific studies, our level of deficiency does not bode well in the context of the rising Covid numbers as we move into the darker winter months.

The vaccines and other public health measures offer us a very strong line of defence against Covid-19 but vitamin D supplements can offer yet another avenue of protection against severe illness or death. NPHE, through HIQA, examined ten studies out of 909 on this issue and did not even reference them. I am no scientist but I know that is shoddy research and the conclusions are unreliable. Against the backdrop of rising cases, with queues for PCR tests and high hospitalisation numbers, surely there has never been a better time to advise the public to increase its intake of vitamin D.

Public health awareness campaigns need to be stepped up a gear, not just in regard to vitamin D but also antigen testing. We are all too aware that accessing PCR tests is especially difficult right now. I commend the Minister and the HSE on increasing the number of tests available. A total of 207,000 people were tested last week for Covid-19. That is a great achievement but it clearly is not enough. More testers, laboratory technicians and testing centres are needed. There is clear information available about antigen tests, when and when not to take them, but I constantly hear about people with symptoms relying on them. The issue is that many people who have Covid and have symptoms are showing a negative antigen test. They are walking around and socialising unaware they have the virus. It is really important that we follow the public health advice that antigen tests are not a magic bullet solution and should not be used when people have symptoms. A PCR test remains the gold standard and it is the only way to be certain whether someone has Covid. However, it is very difficult to follow this advice when PCR test appointments are so difficult to come by. That needs to be addressed.

A criticism that is constantly being levelled at the Government is that people do not have the correct information relating to antigen tests. Perhaps it would be helpful to reiterate the information on the floor of the House today. You should do antigen tests regularly if you do not have symptoms of Covid-19 and are regularly in high-risk environments. Such environments include bars, restaurants, cinemas, theatres, concerts, participating in contact sports, multi-household visits and car sharing with people from other households. You should do two tests each week, with three days between each test, because leaving a few days between each test allows time for the virus to show up in your system. If you are designated a close contact, you will be prompted to register to receive free antigen testing kits. I have heard from numerous people that they received their antigen testing kits extremely quickly once they were designated a close contact. We have to give the HSE and the Minister huge credit for that. That is so vital. All the information regarding antigen testing is available on the HSE website. I would highly recommend to anyone who is unsure to take a few minutes to familiarise themselves with it because it is important information. I ask the Government to roll out an information campaign, including videos through social media, particularly TikTok and Instagram, where young people

who are more likely to be in these high-risk environments are getting their information. I made the same request of the Taoiseach in the House this morning.

Our vaccine roll-out has been a huge success. However, 7% of the adult population is unvaccinated and that cohort accounts for more than half of the people being admitted to ICU. It is undeniable that it would be so beneficial for our hospitals and our healthcare workers if we encouraged that 7% of people to get vaccinated. It is often believed that those who have chosen not to get vaccinated have made their mind up and are flat-out anti-vax. I do not necessarily think that is the case. We still need to encourage people to take up their vaccinations.

We have had huge uptake throughout all of the cohorts. Yet, there is room for improvement, especially given the number of young people we are seeing in hospitals and in ICUs with Covid-19. We simply must do more to reach out to our younger cohorts. In particular, 80% of 16- to 17-year-olds are vaccinated and 20% of that age group need to hear this message. The vaccine will protect them, and it will protect our health service.

Some 50% of ICU admissions with Covid-19 are people who were born outside of Ireland. That is startling. Those working in ICU tell us that many of their unvaccinated patients originally come from a small number of countries mainly in eastern Europe. Some may have poor English language skills. It is so important that we reach out to those people. Ireland is such a diverse and inclusive community. We need to include them in the public health messaging. I welcome the measures that are being adapted, such as making Covid-19 messaging available in other languages, but it is clear that we must do more to ensure that our new Irish are receiving reliable, straightforward information about the vaccine. They might not be listening to our news. They might not be picking up on our messages. We need to do more to inform them.

Deputy Joe Flaherty: At the outset, it is of the utmost importance that we reassure the general public. We need to make it clear that the seven-day positive-test percentage is continuing to fall. In the past seven days, we have tested nearly 210,000 people. Yesterday saw hospitalisations down from 639 to 609. That is still a high number. We need the number to continue to decline to take the pressure off our hard-pressed hospital staff. There is no doubt it is a challenging environment. It is also important that we keep what is still a significant challenge in perspective. We have two to three difficult weeks ahead, but I hope we can avoid further restrictions. Indeed, I hope we can keep the recent restrictions imposed on the hospitality sector under review. Despite what many people think, the Government does not control the media. If the media wants to speculate to its heart's content about lockdown, there is nothing we can do about that. However, this Government is determined to ensure there is no lockdown coming up to Christmas. I know that is very much on the Minister of State's mind.

The roll-out of the vaccine programme was unquestionably a great success. However, the public needs reassurance on the pace and effectiveness of the booster roll-out. The statutory instrument, as I understand, was issued on 29 October. Yet the indications from the HSE are that we will not be vaccinating people in the 50 to 59 age group until 13 December. That is six weeks later. As far as the public is concerned, it is too long and it is too late. People want the vaccine. They are turning up at vaccination centres pleading for the vaccine. On the basis of the five-month efficacy interval from the time of the second dose of the vaccine, a huge number of the 50 to 59 age cohort are now eligible for their booster, but we are not administering them. Members of this cohort are accompanying their parents to the centres and cannot understand why they cannot also get their booster. It is clear to see that we are not utilising the capacity that we have at our network of vaccine centres. Some of them, I understand, could be administering

as few as 200 vaccines per day. I appreciate that the tempo of vaccination will increase from next week as we start to administer to the fourth and seventh cohorts. However, I remain concerned that as many as 900 healthcare workers in the Longford environs could still be awaiting their booster vaccines.

We have heard much discussion today about PCR testing. We need to ramp that up. I know there is a huge logistical and staff effort involved, but there has to be an opportunity, particularly over the coming days, to roll out more mobile and fast-moving PCR testing teams as quickly as we can.

A great surprise over the past 19 months has been the number of people who have acquired medical degrees online, because it seems everybody has the solution and everybody is able to tell the Minister what he is doing wrong. However, there is only one real solution to the problem. That is ramping up the roll-out of the booster. Our messaging over the past ten days has not been the strongest. The public needs and deserves clear and reassuring messaging over the coming days. I believe we will cautiously turn a corner over the coming three weeks. However, I urge a ramping up of the roll-out of the booster campaign over those three weeks.

Acting Chairman (Deputy Denise Mitchell): We will go back to the Sinn Féin slot. Deputy Paul Donnelly has two and a half minutes.

Deputy Paul Donnelly: This evening I would like to address the issue of confusion about Covid-19 in schools. It is compounded by the repeated assertions from the Minister for Education that the situation in schools is fine. We know from repeated messages from parents that everything is far from fine. Teachers, special needs assistants, cleaning staff and parents just want honesty. Yesterday alone, I received first-hand reports of schools with three classes where there are more than four positive cases of Covid-19. Two of these classes were in the same school and teachers were out on sick leave. The principal was forced to close two of those classrooms and send the children home due to an outbreak. Schools have been struggling for months to get substitute teachers. I welcome the Minister's comments yesterday and the action on this. However, a simple strategy for substitute teachers when the schools came back in September would have given people confidence and much-needed support.

Communication between schools and parents is also verging on the comical, with coded messaging being given to parents regarding outbreaks of Covid-19, because the word "Covid-19" is prohibited. I will give the Minister an example of how ridiculous this is. One of the local schools in my area of Dublin 15 has said:

We have been told by the Government, the Department of Education and the HSE not to inform parents of any Covid-19 positive cases in the school. In fact, the only way we now hear about positive cases is when the parents of a child are kind enough to inform the school. Even then we cannot pass on the information. However, I have been thinking about this for a while. In Ireland, we are always allowed to talk about the weather. So, here is the weather forecast for our school in St. Luke's at the moment. The weather can change quite suddenly and at any given time. Please take the necessary precautions if you think your child is experiencing any symptoms as a result of the weather. Book a test if necessary. It is raining in junior infants class and senior infants class. It is raining very heavily in sixth class and in second class. We are monitoring the weather in junior and senior infants.

If that is the way schools are being forced to communicate, we can see how bad the situation

is at the moment. I have spoken to many teachers and principals. They are talking about contact tracing and isolation. It is taking far too long to roll out the antigen testing. We have been talking about HEPA filtration systems for months. We know they are needed in all classrooms. As the Minister can see, things are not fine. Teachers, principals, special needs assistants, secretaries, cleaners and catering staff who show up for work daily need clear and concise plans.

Deputy Ruairí Ó Murchú: It has been said straightforwardly by many others that we need a straightforward, coherent plan. People are incredibly worried at this point in time. The people who work in the health sector have done amazing work. They are under incredible pressure at the minute. Our health sector started with a lack of capacity in the primary care system, the hospital system and ICUs. We are dealing with that and are therefore starting from a bad place. When I refer to having a coherent plan, I am talking about vaccinations. Vaccinations have not been the game changer we wanted them to be but they are still huge from a health point of view. The follow-up to them is boosters. I do not like extolling the virtues of Israel, but many people will have seen the triangle graph which showed Israel on an upward trajectory of Covid infections. It then followed through with its booster campaign and suddenly we saw the bottom end of the triangle as the cases started to go down significantly. That is what we need to get to, which means boosters across the board. We need the Minister to engage with NPHET and NIAC, and we need to make sure we have all the capacity we are going to need. We must also utilise the capacity we have, that is, the mass vaccination centres, pharmacies and GPs. It is about using all that we can. I accept that we also need to deal with the wider issue of vaccinations across the world, whether that is through the TRIPS waiver or just ensuring that the capacity is there by whatever means. None of us is safe until all of us are safe.

We have all bored each other about antigen testing. We will all go back through the material on *kildarestreet.com* to see who said it first but the fact is that for a significant period we have known that we need a greater element of antigen testing. We need to facilitate it as much as possible. That means using it beyond schools and close contacts for everyone who is going through their life at this point. It is another tool that can catch mistakes. We are having difficulties with PCR testing. In County Louth, Dundalk, Drogheda and Ardee have significant issues as regards infection. We need pop-up clinics, and we need to do whatever we can to bring ourselves to a better place.

Deputy Michael Healy-Rae: After one of the longest lockdowns anywhere in the world, compulsory mask-wearing for almost 22 months and the highest vaccination rates anywhere, why are Covid numbers so high right now? So far, neither the Government nor the NPHET experts have answered this question in a truthful and sincere manner. The Government was given time and space, through lockdowns and restrictions on people's freedoms, to ramp up capacity in our healthcare system but it failed to do so. That is shameful and bordering on criminal, especially in light of the billions of euro of extra resources provided to the Government over the past 18 months or so. That money is not falling out of the sky. It is our taxpayers' money. The Minister for Health and the CEO of the HSE have failed completely in their duties. The Taoiseach has failed and the Government has failed. The Irish healthcare system is completely broken, despite spending the highest amount of money of any European or OECD country per head of population on healthcare. If such failings occurred in the private sector, the board and the CEO would be sacked with immediate effect. Here, under this Government, there is no accountability, no delivery based on outcomes for the patient and no transparency. Ireland has the least efficient healthcare sector in the world. This is due to the approach of the bureaucrats who currently govern the country. They are not interested in patient outcomes but, rather, in

controlling administration budgets. They were given the power to do so under a system originally established by the current Taoiseach, Deputy Micheál Martin, when he was Minister for Health. The system has failed our people and our hardworking hospital staff, who I thank and compliment for what they are doing. It has failed to put the needs of patients front and centre.

Under the HSE system, the bureaucrats and the middle managers do not care if money can be spent better. They choose instead to manage the devils we know rather than those we do not. We are throwing money at the health service but we are not getting proper management and, to be honest, it is the Minister's fault. He is responsible. He has been given massive powers and a massive budget and he has failed to deliver proper healthcare. He has failed completely in his role. Time and again, we in the Rural Independent Group, along with the leader of our group, Deputy Mattie McGrath, have made very sensible proposals and suggestions, which at all times the Minister chose to completely ignore. I do not know why he did this. It is a case of the Minister's way or no way and his way so far has failed. In life, all a person can do is their best but, unfortunately, with regard to this issue, the Minister's best is not good enough.

Deputy Michael Collins: Our healthcare system is at breaking point almost two years into this pandemic. On 21 November 2020, we had 344 cases of Covid. Fast forward to 21 November 2021 and there were 4,181 cases. On 21 November 2020 we had 273 Covid patients in hospital, while on 21 November 2021, we had 668. On 21 November 2020 there were 32 Covid patients in ICU and on 21 November 2021 there were 125. The Taoiseach recently stated on Newstalk that if we all collectively behave, this too will pass. That was utterly condescending of him. The reality is that the general public have behaved. In fact, the public held firm and followed all the rules. It is the Government that has failed to play its part by not delivering on ICU beds. What the hell has it spent the €28 billion extra Covid money on? Ireland needs 200 additional ICU beds to bring us up to even the EU average.

The true cost of the pandemic will probably never be fully quantified. The knock-on effects of prolonged shutdowns are immeasurable. The Government has handed itself extraordinary powers and the members of NPHET bask in the bizarre celebrity status the media conferred on them from the start. The mixed messaging and lack of transparency coming from the Government is ridiculous. People are terrified, businesses are going to the wall and people do not know whether we are going into another lockdown. Some of the key measures we need are a return to testing and tracing and increasing our ICU capacity. You would like to think that this would have been done by now, nearly two years later. We also need free antigen tests and clean air systems in schools. Professor John Crown has argued, "We do not have the worst quality of healthcare in the developed world, we have instead the worst managed healthcare system in the developed world, run by technically deficient, medically illiterate bureaucrats." That is what he stated recently and it is hard to blame him.

I have to bring up the confusion faced by businesses that do not know from day to day if they are going to be closed next week. There is a major issue here and it is not being addressed. There are rumours coming out from the Government that there might be closures from 13 December. We have to dispel those rumours because these businesses are hanging on by a thread in the context of their very survival. That is the simplest thing the Minister can do. Everybody has to be careful, take care and follow the guidelines as best we can but some confirmation as to the future of people's businesses needs to be announced by the Government going forward.

Deputy Richard O'Donoghue: Seven or eight months ago, when we were in the convention centre, I was the first Deputy to hand over a booklet to the Government and to the head of

the Oireachtas about purifier air systems for schools. I asked for some of them to be put into Leinster House so we could return to this Chamber. I was the first person to do this and I have not yet received any feedback from the Government or the Oireachtas on those machines. Now in some schools, temperatures have gone down to 7°C or 8°C in classrooms because of ventilation. Eight months ago, I brought this to the Government's attention and nobody listened. Now every Deputy in the House is talking about ventilation systems for schools. Eight months ago, the man from Limerick told the Government about this and gave it the booklet for it and now everyone in the House is on about purifying air systems for schools. More than one concerned teacher contacted me last week. There are schools that do not have the adequate area for students to social distance so the teenagers in secondary school are being asked to leave the school and stand in different pods around the school during their breaks.

8 o'clock

Some of them are out on wet grass and are then asked to come back into school and sit down with wet feet. They are already cold but the windows are open to ventilate the building such that the school is at only eight or nine degrees. I have also been told of schools that have closed their canteens because there is not enough room to allow for proper distancing when students are going in and out for their breaks. Vulnerable children are doing without food because of circumstances at home but schools have closed their canteens because of Covid guidelines.

I ask the Minister for Health and the Minister for Education to talk about the mental health of leaving certificate students who are afraid because they have missed so much time in school and their exams are coming up shortly. Students who were in third year when Covid struck are now in leaving certificate year but have never sat a State exam because of predicted grades. There are massive mental health implications, not only for the students but also for the teachers. Teachers are telling students they are so far behind because they have missed school time over Covid and over being close contacts. Parents are at the end of their tether worrying about their children. Children are leaving school and going to after-school study six and seven days a week to try to catch up because they have been told they are so far behind.

The Government must make a decision on predicted grades now. It must make a decision now because this year's students are trying to compete with those who got predicted grades. This is a mental health issue. It concerns the mental health of our teachers and students and will be with us for years to come. The knock-on effect is that third years have not sat State exams. This will be a mental health problem for years to come. I ask the Minister for Health to discuss predicted grades with the Minister for Education for the sake of mental health.

Deputy John Lahart: I thank the Minister and Ministers of State for being present. Having listened to members of the Opposition, I am very tempted to look back at the past year and where we were this time last year or a little before that, when the world felt a vaccine would not be available until now. To the Deputies who say the Minister has failed and the Government has failed to look after its people, I would point to the 93% to 95% vaccination rate, which includes those who are doubly vaccinated. The chief executive of the HSE was in the House this morning and told us that in excess of 600,000 booster vaccinations have gone out, with huge progress being made in relation to those who are immunosuppressed and those who have underlying health conditions. By Christmas or late December, we are all hopeful everybody who has had a second dose five months ago or more will be in a position to receive booster shots as well.

I look at all of the supports that the State correctly put in place for those in business. I have

just come from a parliamentary party meeting where the Minister for Public Expenditure and Reform, Deputy McGrath informed us that to date, €8 billion has been expended on the employment wage subsidy scheme, EWSS, and rightly so, and hundreds of millions of euro have been expended on the pandemic unemployment payment, PUP. This is not a case of the Government saying, “Look at what we have done for you.” This is only right and proper. It is the fulfilment of the unwritten contract that exists between the State and its citizens that holds that, in times of trouble or crisis, the State defends and supports its citizens, particularly the most vulnerable.

Earlier today while the Minister was in the Chamber, a number of parliamentarians from my own party met representatives of the Licensed Vintners Association, the Vintners’ Federation of Ireland, the Irish Hotels Federation and the Restaurants Association of Ireland. The Acting Chairman, Deputy Crowe, was there and he, along with others, is cognisant of the fact that public behaviour, involving people pulling back from attending indoor settings, is having a detrimental effect on the hospitality sector again. Once again, the Government that does nothing according to the Opposition, in the form of both the Taoiseach and the Minister for Public Expenditure, following a motion tabled by me and some Senator colleagues, met representatives of the hospitality sector. There was no question but that they would meet them.

There has always been an agility and flexibility on the Government’s part in dealing with the Covid crisis. Today, another member of the Government that has done absolutely nothing according to the Opposition, the Minister for Education, Deputy Foley, has moved to deal with the crisis of teacher supply and substitution in our school system. She met the higher education institutes, colleges and universities that provide teacher training faculties and pushed an open door on the part of the colleges and their administrators and the student teachers in their third and fourth years who have made themselves available to plug the gap that is causing so much anxiety to principals, parents and teaching staff throughout the country. The Minister has now ensured hundreds of supply teachers will be in place to provide supervision and teaching, over and above the placements students already provide as part of their teacher training.

All of this has been done against the background of a cyberattack. This country’s response has been remarkably calm and that has been in part because of the calm, non-knee-jerk reaction of its leadership. Calm, level heads have ensured the country, by and large, has been kept safe. Remember that last year we were beginning the learning curve of our mistakes. We opened up and then realised we should not have done so. The figures came back to haunt us and January was an especially dark month. One significant difference, among other differences, between this time last year and now is that 95% of the country is vaccinated. We have known from the start, through NIAC and NPHET, that vaccines do not prevent contraction of the virus but they do prevent serious illness, hospitalisation and death. Imagine the situation we would be in now, with cases at their current levels, if the vaccination programme had not been rolled out to the extent it has been.

I remember saying at the Oireachtas health committee, when the extension of emergency powers came up previously, that this is not Putin’s Russia. I have not heard any hue and cry that has overwhelmed me as a constituency politician or that has caused me to believe that vast swathes of people in the land are concerned and anxious about the manner in which the Government is behaving in relation to this legislation. In some cases, the public would possibly favour legislation that goes further. I certainly think they would favour legislation to ensure rigorous enforcement of the vaccination certificate rules. Imagine the civil liberties furore to which that could potentially give rise.

While we cannot rest on our laurels, we can take some comfort from the fact that as constituency politicians, we tend to have a reasonable idea of what the public are thinking at a given time, particularly in terms of their contacts with us, and the overwhelming majority of emails coming into my inbox are related to everyday issues. I am dealing with passport issues, as are my colleagues, which is a good sign and shows that people still want to travel. I am dealing with business-related issues, especially from the hospitality industry which is suffering significantly.

This issue was raised at the Fianna Fáil Parliamentary Party meeting tonight and both the relevant Ministers and the Taoiseach have responded very positively to it. I could not score the Minister and his colleagues more highly for their own stewardship. They are continually available to their colleagues and they have responded way above and beyond what is required, especially in terms of the hours the Minister has put in. When we questioned the CEO of the HSE this morning, he talked about an exhausted healthcare system and an exhausted human resource in the sector. I think of the politicians, the administrators and all the officials in the Department of Health in particular, because this is the Department we are talking about tonight, whose staff have worked tirelessly. We had some bellyaching about pre-legislative scrutiny in recent days at the Oireachtas Joint Committee on Health, with no regard whatsoever for the man and woman hours the officials have been putting in and the demands being placed on them on a daily and weekly basis to produce legislation that will pass muster, stand up to the scrutiny of the courts of the land and stand the test of time.

I wish to return to an earlier point and finish on it. We live in a vibrant, open democracy which, by and large, has served us well and where if a Minister or an official was trying to pull a fast one, it would get exposed pretty quickly. There are bodies such as the Irish Council for Civil Liberties, for example, and, as I suggested this morning, I have no issue with inviting them in before the Oireachtas committee to enable them to voice their concerns. I have no doubt if the system could have produced legislation more quickly, it would have done so. We are living through a pandemic and a national emergency yet life for a great number of people, while ridden with anxiety on a day-to-day basis, is as close to normal as could be expected in the circumstances. Businesses are running. Hospitals, which had to shut to elective and routine procedures and non-Covid procedures last year are dealing with them, by and large, this year in spite of the surge. Doctors, nurses and ancillary staff are at work. Schools remain open. Today's decision, supported by the higher education institutes, will ensure please God, barring a catastrophe, that those schools will continue to stay open and that children from five to 18 years will continue to receive their education, go through the State examination process and sit their examinations in sunnier times in June.

The Minister, Deputy Donnelly, and the Minister of State, Deputy Butler, who is also present, continue to do exemplary work. They have the support and confidence of this side of the House. We live in extraordinary times and have extraordinary stories to tell. They should never mind the begrudgers. There is a very positive story. When the history of this time is written, historians will see that the people of the country were dealt with and cared for by people to the best of their ability. We did not get everything right, but it was not for the want of effort. They kept the country safe and continue to keep it safe. Who knows what kind of slings and arrows remain ahead of us, but we have been well protected and cared for on the official side by our scientists, medics, physicians, nurses, teachers and politicians, who get so little credit for being responsible for steering the country through these very difficult and challenging times?

Deputy Catherine Connolly: I wish to share my time with Deputy Joan Collins. We will

have five minutes each, but if our colleague comes in it will go down to three. I will proceed as if it is five minutes for the moment.

Acting Chairman (Deputy Cathal Crowe): That is perfect. Is that agreed? Agreed.

Deputy Catherine Connolly: I will take up where Deputy Lahart left off, but first I wish to say that I make my comments, as always, fully in the knowledge that we have a pandemic and that the number of cases to date, as of 20 November, is 538,255 - obviously it is a little bit higher now - there have been 5,609 deaths, 609 confirmed cases in hospital and 130 in ICU. That said, I wish to look at the comment made by Deputy Lahart on “begrudgers”. Twenty months have passed since the introduction of the first Covid legislation. Around the same time, the idea that people would be discriminated against on the basis of their Covid-19 immunity status was described as “a scary possibility” in April 2020 by the WHO special envoy on Covid-19, David Nabarro. He said: “It will be a frightening schism. Those with antibodies will be able to travel and work, and the rest will be discriminated against”. We have proceeded with that discrimination. It is at the point where it is accepted, and I have a great problem with that.

Let me deal with other matters first in my few minutes. As the Minister well knows, I come from a city and I have repeatedly asked the Minister about respite services and day centres there, which remain closed despite the vaccination rates we have of 92% and the praise we have received for that. I would have thought that any civilised society that learned from its mistakes would put the vulnerable first. I would class them as the most vulnerable, but they are certainly not being treated in that way.

I come from a city where the news today was that public health nurses are not available to visit mothers who have just gone home from hospital having had a baby because we do not have enough public health nurses.

I come from a city where people are waiting for an MRI. There is one MRI machine in a hospital that serves almost 1 million people. In 2013 my sister died. I will not go into that now, but she was waiting for an MRI. I rang for her at that point to find out that there were 36 others waiting for an MRI in June 2013. Here we are in 2021. I do not think begrudgery is part of my make-up, but things must be put in context. The pandemic came on top of a creaking hospital system that was falling apart and that remains the case.

Twenty months on, the legislation continues without any review. The Irish Council for Civil Liberties has made its concerns about this emergency legislation repeatedly known and the fact that there has been no human rights impact assessment on the vaccination certificate. There has been no assessment of the efficacy of the vaccination certificate in curbing the spread of the virus, so there is no relation to what is targeted.

The Oireachtas Special Committee on Covid-19 Response completed its work more than a year ago, but there is still no action. It highlighted that in the urgency of the pandemic vulnerable people were forgotten. It recommended strongly on a cross-party basis – I do not think any party objected – that we analyse and examine why the vulnerable were not protected in nursing homes. That did not happen, and it still has not happened.

I have repeatedly asked for a proactive debate in the Dáil to look at all aspects of the matter, vaccination being just one element in a whole approach to dealing with the pandemic and the pandemics that are to come, because of the way we behave in society, looking on it as if we can endlessly extract, which we cannot. We know that from climate change. We have never had a

proactive debate in this Chamber looking at all of the measures. We proceed from crisis to crisis. This crisis has come once again because the Government has utterly failed to plan, prepare or anticipate or to come back to us regarding public health and tell us what has been done since, regionally and locally and in cities so that we have a public health system that we can believe in when we hear them talking to us in Galway and in the region. The Crowe Horwath report was completely undermined as well.

In my remaining 20 seconds I wish to point out another inconsistency. I have received no reply from the Minister to this. On 11 November the Chief Medical Officer wrote a letter to the Minister including many important points. Based on the advice provided by HIQA, it endorsed the recommendation that the period of presumptive protective immunity following infection would be nine months. Members of my family had Covid and they got a certificate for six months. Could the Minister explain the discrepancy? I am sorry, as I am over my time so I will leave it at that, but I would really like an answer.

Deputy Joan Collins: It is becoming very clear that the Covid-19 vaccines are not the silver bullet we thought they were going to be or could be. Despite our 93% vaccination rate, we are now in a fourth wave of what may be more of an endemic than a pandemic. I believe Covid-19 is here for the foreseeable future, with all that entails, such as future mutations and new variants.

Currently, Europe is at the epicentre of an outbreak. Despite our generally high vaccination rate in comparison to only 8% of the population of Africa, a new wave of Covid on that continent could be devastating and with consequences for the rest of the world. It seems there is a variety of reasons for the current situation in Europe - relaxation of restrictions, opening up, pandemic fatigue and slippage regarding masks, social distancing and socialising, and also the waning of vaccine efficacy. There is a relatively high number of unvaccinated people throughout Europe and high rates of Covid among children aged five to 11. It struck me when I saw the report from Dr. Tony Holohan that this is the highest group in terms of contracting the virus.

Again, as I said, there is no silver bullet but we know that certain things work in keeping infection rates relatively low, preventing serious illness and death, and maintaining a reasonable level of normal life and economic activity. Vaccines are a key weapon but there are many comments coming from certain sections that vaccination is not the answer we were told it was and that people are right not to get vaccinated. However, the number of people in hospital compared to the level of infection in the community, and the number of people in ICU, unfortunately, proves that the vaccines are having a big effect. If we were in this position this time last year, we would be devastated as a country and our people would be greatly compromised by the virus. We have evidence from Israel, which had 8,000 cases a day and 500 in hospital with serious problems in August and September. The booster roll-out has reduced this to 500 cases a day and 29 in hospital, with just 75 of the positive cases among the unvaccinated.

We have been very slow to act on boosters and the Minister has to take that as a positive criticism. We do not really know why. For example, in Inchicore, the cohort in their early 70s are getting vaccinated this Saturday but it has been a couple of weeks since it was announced they were going to get vaccinated. We moved much more efficiently during the general vaccine roll-out. Among people in their 60s, I have heard of people aged 63 who got the booster but others have not. It seems very erratic. I know the over-70s are getting the booster through their GPs and those aged 60 and over are getting vaccinated in the centres. Is there a problem in that people got vaccinated through their GPs previously, but GPs are handing over the information

to the HSE to get people in quickly?

I was delighted to hear the Minister say that those with underlying illnesses are being added to the cohorts. However, cystic fibrosis sufferers have not yet been vaccinated. Given they are one of the most compromised sectors, it is amazing they have not had their booster yet.

We need to make boosters part of the vaccine pass as people get them. It is common knowledge that some premises are not making vaccine passes a requirement. We know from community feedback that pubs and cafés are not asking people for their passes, which is serious. I asked the Minister a parliamentary question on this issue. I have not heard of one establishment getting closed down because it did not comply with the restrictions, whereas we know certain establishments are breaking the rules. Something is wrong somewhere from that point of view.

Acting Chairman (Deputy Cathal Crowe): I call Deputy MacSharry. Dhá nóiméad.

Deputy Marc MacSharry: I encourage anybody listening who is not vaccinated to get the vaccine and to get their booster as soon as it is available to them. That said, and everybody knows me here so it is not personal, there are a couple of things to say. Either Israel is reckless or NIAC is too slow. We are going the scenic route to things. I was vaccinated in May as I had an underlying condition. We knew when I was getting the vaccine that it waned after five or six months. On the basis that we vaccinated the first healthcare professionals in June, we should have been hitting the ground running in July or August and, instead, we started in October. Israel had its fourth wave in June and it peaked in August, and then it hit the ground running with the booster and saw an 80% reduction in its cases by mid-September. Whatever it is, whether members of NIAC need to sleep on it, whether they want to see other countries do it first, or whatever peace of mind they are looking for, it is too slow.

For example, it is quite likely, just applying basic common sense, that we could have to go again every six months. Therefore, what arrangements are being put in place for next March, given the first of the boosters will have lapsed in five or six months? Can NIAC start considering that now, so we are not all running around like headless chickens next June or July wondering why cases have gone through the roof again? That is the first point.

The second point is on restrictions. Nothing undermines public resilience more than mixed messaging, and I have been saying that since April 2020. When I was in the Fianna Fáil parliamentary party, the Taoiseach, in particular, used to take issue and he went out publicly and said I wanted to disappear NPHET. No, I do not want to disappear NPHET, but I think the people could do with hearing one voice.

Acting Chairman (Deputy Cathal Crowe): Thank you, Deputy.

Deputy Marc MacSharry: Am I there?

Acting Chairman (Deputy Cathal Crowe): The Deputy is over time.

Deputy Marc MacSharry: How much time did you give me?

Acting Chairman (Deputy Cathal Crowe): You had two minutes.

Deputy Marc MacSharry: Two whole minutes.

Acting Chairman (Deputy Cathal Crowe): Yes. I apologise but that is the way it is set

out. There will be other chances.

Deputy Marc MacSharry: Okay. Thank you for the two minutes.

Acting Chairman (Deputy Cathal Crowe): I call the Minister to conclude.

Minister for Health (Deputy Stephen Donnelly): I thank colleagues for the debate this evening, which has been very useful. I have taken a lot of notes and I have been checking in with the HSE and with the Department as we have gone through the various issues raised. I thank colleagues for the debate.

I would also like to thank our healthcare workers, who continue to do an extraordinary job. This year, there is a level of tiredness in the system that obviously surpasses this time last year because it never let up in healthcare, be it in community care, in our hospitals or right across the system. Our home carers, nursing homes and so forth have done, and continue to do, an extraordinary job. They really have represented the very best of us in this very difficult time.

We must also acknowledge the wider public, who, I believe, are responding yet again to the latest public health advice. In response to this surge, I, the Chief Medical Officer and many others have asked the public to reduce their social contacts, to work from home wherever possible and to take various other measures, and we can see it. Anecdotally, we can see evidence of people doing the right thing yet again, protecting themselves, their families and those around them. It is wonderful to see and would make anyone very proud to be a citizen of this nation to see our country working together again and again in the face of this awful virus. I just wanted to note my thanks and real admiration for the people of this country and everything they continue to do.

I had a closing speech, but what I will do instead with the time is to try to address the various issues that were raised. I will move through them at pace to try to get to as many as possible.

I hear colleagues loud and clear on PCR testing. I met with the HSE on it earlier today. The HSE deserves enormous credit for this system. It is one of the most comprehensive systems of PCR testing around. Some 210,000 PCR tests have been carried out in the past seven days, which means that about one in every 25 men, women and children in this country has had a PCR test in the past seven days, which is incredible. We are all conscious that some people are not getting them as soon as they go to book them and this causes anxiety. People are symptomatic, they want tests and they are right to want tests. We are asking them to take tests and then they see messages telling them there are no tests available, and this understandably causes some anxiety. We are working to do everything we can to that end. Some four in every five people are getting a test within 24 hours, which is good. The one in five people who are not getting a test within 24 hours are those who are coming to Deputies and who we are representing. We want to see more done for them.

Prioritised referrals are for either close contacts or that come from GPs. Some 97% of the prioritised referrals are getting a PCR test within 24 hours, so that is still a high rate. The median end-to-end times for testing and tracing are still good. The end-to-end timeframe for a not detected test is 1.1 days and for a detected test the end-to-end from contact, through testing, getting the results and doing the close contact work is 2.1 days. The system is still moving very quickly and the people in that system are doing incredible work. Lines of people are coming in hour after hour and day after day to get their PCR tests and the people working in those centres are doing incredible work.

A lot of work has been done on antigen testing. It has a strong role to play, which is why I set up the various groups on it. Those groups have done an awful lot of work to make sure we could get to where we are now. We have clinical guidance on it, extensive training materials are in place and communications on it are ongoing. Antigen testing is being used widely. It is being used in hospitals, nursing homes and many other non-healthcare workplaces. It is being used in schools and colleges and for close contacts. The HSE has sent out more than 70,000 packs to people who are deemed to be close contacts. As well as that, the information we have suggests one in five people in the country are using an antigen test every week. Many of us wanted to achieve the widespread use of antigen testing. That has been achieved as they are being used widely in multiple sectors, commonly by individuals.

I want to go further and subsidise the price. The prices range from about €4 to €8 per test and I want them to be cheaper. That is a price that is affordable for some people but not for others. We also have public advice that says if you are regularly engaging in high-risk activities, which could be close contact sports, going to the pub, going to a concert or any other activity listed on the HSE website, you should use antigen tests twice per week. We have to make sure that they are affordable and that is one thing I want to see happen.

The other thing I want to see is even more communication. The information we have from Amárach Research is stark. For example, it says that of those with symptoms, nearly 70% of them took an antigen test when those people are meant to take a PCR test and only one in three of those people went on to take a PCR test. A serious concern is expressed to me by public health officials that if antigen tests are not used correctly, they reduce the number of people doing PCR tests who we want to do PCR tests. We need more communication in that regard and we are working on that.

On ICU capacity, we started the pandemic with 255 ICU beds, which was not remotely enough. It should have been an awful lot higher. We have done a lot and we are planning to do a lot more. Between this year and next year we will have invested about €52 million in increasing our ICU capacity. We have essentially asked the HSE how many ICU beds it can add, so there is no issue around funding. The HSE is working really hard on this to build the facilities, and the biggest constraint is recruiting and training the ICU staff, particularly the ICU nurses. We went from 255 ICU beds at the start of the pandemic to 297 today. We will add more beds in the coming weeks and months and the plan is to be at 340 ICU beds by the end of next year or early into the following year. That would be a 33% increase in our ICU capacity in a short time and that is as fast as the system believes it can go, but I want us to go further than that. The Department's 2018 capacity report stated that we should have 430 ICU beds by 2031. I stand to be corrected on that figure but that is what I recall. We want to go beyond that and I have secured Government agreement to go further than 430 and to go up to 446 ICU beds. A lot of work is being done and we would all love to have more capacity. I assure the House I am working closely with the HSE on this and it is scouring the healthcare and hospital system to find opportunities to put in more ICU beds.

Boosters are a huge weapon in our fight against Covid and I thank the vast majority of colleagues in the House for their ongoing support in getting the message out to encourage people to take the vaccine and the booster. Good progress has been made and about 630 doses have been administered between boosters and the third dose for the immunocompromised. The majority of those in the highest priority groups, which are those in long-term residential care, the over-80s and the immunocompromised, have either received their booster or been offered an appointment. That does not mean all of them have received their boosters but most have

or have been offered an appointment. The next group is healthcare workers and those in their 70s. As of today about half of them have received their boosters and progress is quick on both counts. The next group is those in their 60s and those with underlying conditions. As I said at the start of the debate, it was important to me that those with underlying conditions would start to receive their boosters soon and they will start to receive them next week, which is positive news. About 33,000 of those in their 60s have received boosters to date and that will start increasing rapidly because the five-month period kicks in now. As that comes due, we are building capacity to have well in excess of 200,000 booster doses administered per week through all the various channels.

I want to reiterate the public health advice, which is so important. For any of us who are symptomatic the advice is to stay at home and get a PCR test. If you are deemed a household close contact, you should stay at home for five days and get three antigen tests, which will be sent out by the HSE. People should work from home wherever possible. We have all said we should get the booster and get the vaccine if we are still thinking about getting it for the first time. We should use the various layers of protection when going out, including hand hygiene, coughing and sneezing etiquette, ventilation, the booster, the masks and so forth. Between all of that, the work the Government must do, the work industry must do to play its part and the work we can all do as individuals, we will push this virus back again and protect public health and our healthcare system.

Land and Conveyancing Law Reform Bill 2021 [Seanad]: Committee and Remaining Stages

Sections 1 to 7, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Minister for Justice (Deputy Helen McEntee): First, I thank colleagues for their co-operation and support. It is genuinely appreciated. We all have gone through the reasons for the need to implement this as quickly as possible.

To assure Deputies of the timeframe as to what will happen next, we are working to ensure that this is implemented and enacted by Tuesday of next week. When the Bill has completed its passage, which is this evening, it will be sent to the President. Normally there is a five-day period under Article 25.2.1° of the Constitution before the Bill may be signed. However, we have sought an earlier signature by the President and this gives permission to do it within the five days. That would allow for this to come into operation next Tuesday making sure that the cliff-edge and the challenges that people were potentially going to face on Wednesday will no longer be there.

I extend a sincere thank you to all Deputies here and Senators. I look forward to engaging with them further on the review that will take place in the new year.

Deputy Brendan Howlin: Very good.

Question put and agreed to.

Acting Chairman (Deputy Cathal Crowe): A message will now be sent to the Seanad acquainting it accordingly.

Criminal Justice (Smuggling of Persons) Bill 2021 [Seanad]: Committee and Remaining Stages

Minister of State at the Department of Justice (Deputy James Browne): Before we start into it, there has been a desperate tragedy in the channel between France and the UK. I would like, at the outset, to speak on that appalling tragedy that has unfolded.

It is now thought over 30 migrants have lost their lives tonight. Our thoughts are with their families. It is an awful tragedy and I want to express our deepest condolences on that event.

It shows the dangerous risks people are prepared to take for better lives for themselves and their families. Considering this Bill tonight is about smuggling, it is apt to make a few comments on that.

It is incumbent on the international community to come together in a duty of care to ensure that people are not having to take these dangerous risks but also that we target those criminal gangs that seek to benefit from those people's vulnerabilities and desperate situations.

Deputy Brendan Howlin: If I could make mention since the Minister of State has raised the issue, I was unaware when I came in that there had been a tragedy. I had been working in my office.

Last weekend, I went down to the memorial site in Drinagh Business Park because on 8 December it will be the 20th anniversary. Some local people have organised a commemorative event to mark 20 years since that awfulness of opening that truck container in the business park in Drinagh, just outside Wexford town, to find dead bodies, and living people too, in a horror situation. These were people from Turkey and from Kurdistan.

When one sees the names - I mentioned earlier in the passage of this Bill the screams of the relatives when that memorial was opened a year after the tragedy - it is seared in one's memory. As for the fact that is now repeating itself, we just have to do better. When we are enacting laws, we should have that desperation and horror in the back of our minds so that we can do better.

Sections 1 to 8, inclusive, agreed to.

NEW SECTIONS

Acting Chairman (Deputy Cathal Crowe): Amendments Nos. 1 to 3, inclusive, are being discussed together.

Deputy Catherine Connolly: I move amendment No. 1:

In page 11, between lines 6 and 7, to insert the following:

“Protection from prosecution

9. A person shall not be considered to have committed an offence under *section 6* or *7*, where the person engaged in conduct alleged to constitute an offence under *section 6* or *7*—

(a) in order to provide, in the course of his or her work on behalf of a *bona fide* humanitarian organisation, assistance to a person seeking international protection in the State or equivalent status in another state if the purposes of that organisation include giving assistance without charge to persons seeking such protection or status, or

(b) for the purpose of providing humanitarian assistance, otherwise than for the purpose of obtaining, directly or indirectly, a financial or material benefit.”.

I had not heard about the tragedy in the channel and I thank the Minister of State for bringing it to our attention.

When this Bill came before the Dáil, I and my colleagues were ready to speak on it. Through no fault of the Minister of State - I was actually in the Chair - the debate collapsed because Members did not show and we did not get to speak on it. That is what happened, through no fault of ours because we were way down the list. I listened carefully to the debate.

I am behind this legislation, the purpose of which is to extend the definitions and the reach in relation to dealing with illegal smuggling of human beings.

However, what concerns me greatly is that humanitarian organisations and people acting in a humanitarian manner are now being penalised and I am seeking to amend that. In this regard, I thank the Senators who did great work in the Seanad.

There was not much discussion at all of the chilling effect of the section in the Bill relating to treating humanitarian organisations and people who act in a humanitarian manner to help migrants who will be now in a position of having to prove themselves. In other words, they will be charged. Is that not correct? This point has not come out. The burden of proof has now been reversed.

The Minister of State, Deputy James Browne, makes a reference to that in his Second Stage speech, stating “To achieve this we have adopted a reverse burden approach ...”. I beg the Minister of State’s pardon, that does not require the proof. The news of the tragedy has thrown me and my train of thought has gone for a minute.

Is the clock not running?

Acting Chairman (Deputy Cathal Crowe): On Committee Stage, there is a degree of latitude.

Deputy Catherine Connolly: Will the Acting Chairman clarify if there is a guillotine on this? Is this coming to an end tonight?

Acting Chairman (Deputy Cathal Crowe): It is not coming to an end tonight.

Deputy Catherine Connolly: If the Acting Chairman gives me one second, I will get my train of thought back. I beg his pardon.

I looked at a number of issues and a number of documents. In particular, I looked at the submission made by the Irish Human Rights and Equality Commission. It made a number of detailed submissions which the Minister of State referred to in his speech on Second Stage but which have not been taken on board whatsoever. It said section 9 would have a chilling effect. In its submission on the general scheme - it is still applicable to the Bill - the Irish Human Rights and Equality Commission indicated that the approach taken in the Bill, which provides for humanitarian assistance as a defence rather than an exemption, is not in accordance with international recommendations. It states:

...in practice it means that a person acting on behalf of a “bona fide organisation” or for “humanitarian purposes” will likely be charged with an offence under section 5 [which it was at the time but which is section 9 now], and thereafter it will be for that person to prove their innocence. Accordingly, this will likely have a chilling effect on people providing assistance to people seeking international protection, or people acting on humanitarian grounds.

There are many more matters I could highlight - I will come back to them - but maybe I will sit down and get the Minister of State’s response as to why that was ignored by the Government in the context of the submissions. Other submissions were made, but I will return to those. As the commission indicated, it will have a chilling effect.

A young German-Irish person is facing serious charges in Greece. He, along with a young lady, has been facing those charges for a number of years. Both were arrested in 2018. The case was adjourned this week. That is just one example of where someone was trying to help and is now faced with serious charges in Greece. Now here, in the guise of protecting humanitarian assistance, we are actually criminalising the person or organisation involved, which is very worrying. They will be charged and then they will have to show that they are innocent. I will sit down, give myself a chance to reflect and allow the Minister of State the opportunity to reply.

Deputy Brendan Howlin: May I make an observation first?

Acting Chairman (Deputy Cathal Crowe): Apologies, in the order I have Deputy Tóibín is ahead of Deputy Howlin.

Deputy Brendan Howlin: My apologies, I did not see the Deputy there.

Deputy Peadar Tóibín: That is no bother at all. First, I wish to add my sympathies regarding the tragedy that occurred in the English Channel today. It was horrific to see it happen. It is so hard to understand that such things are happening in the West in the 21st century.

I agree with Deputy Connolly on the collapse of the debate on Second Stage. We had waited late into the evening to be able to participate but the debate collapsed because Government Deputies did not fulfil their duties and, as a result-----

Deputy James Browne: Sorry, the Deputy should always be ready.

Deputy Peadar Tóibín: I will explain.

Deputy James Browne: He should stop politicking.

Deputy Peadar Tóibín: The Government and Sinn Féin made a big play at the start of this Dáil that they should have speaking slots before Opposition parties. Now they are not filling the slots they demanded. As a result, the debates on Bills are concluding much faster and Opposition parties are not getting an opportunity to speak.

Deputy James Browne: The Deputy had his opportunity and did not turn up.

Deputy Peadar Tóibín: If Fianna Fáil or Fine Gael Deputies want to go home early to their constituencies-----

Deputy James Browne: The Deputy did not turn up. He had his opportunity to speak and he did not turn up. He was not here to take up his speaking slot.

Deputy Peadar Tóibín: -----they should at least tell people that they are not going to participate in debate. I think that is very important.

Acting Chairman (Deputy Cathal Crowe): This matter is before the Dáil Reform Committee. I would appreciate it if Deputies could speak to the amendment.

Deputy Peadar Tóibín: Earlier this year, the US State Department's Trafficking in Persons Report 2021 ranked Ireland as a tier 2 watch list country when it comes to human trafficking. Azerbaijan, Belarus and Romania are the only other European countries in that category. Last month, I asked the Minister of State at the Department of Justice, Deputy Hildegard Naughton, for her reaction to this. She adopted a defensive tone and suggested that the US State Department was ignoring the progress of her Department over the past 12 months. Her view was that as she had dealt with the issue of the fishing industry and the reply she offered stated, "This assessment was fully investigated by An Garda Síochána and no evidence was found to support the allegations of widespread human trafficking in the fishing industry," and observed that "these accusations are without foundation." Those were her words. They were published on the Oireachtas website on 23 September. Just a month later, on 20 October, the Joint Committee on Enterprise, Trade and Employment heard that 35 fishermen had been admitted to the national referral mechanism for human trafficking. The information was disclosed by Michael O'Brien, the head of the fisheries campaign with the International Transport Workers Federation. We know there is a problem in the State. We also know there are major difficulties when it comes to human life and trafficking. We are speaking on a day when human life has been lost. There is a category of people who are involved in trying to protect human life. If a person, from a humanitarian perspective, is involved in seeking to protect human life, they should have no aspersions cast upon them legally as to their motivation. To be under threat of being charged because of their humanitarian response is wrong. Therefore, I support Deputy Connolly's amendments.

Deputy Brendan Howlin: This is the one controversial part of the proposals. Like Deputy Connolly, I read the Seanad debate in some detail. Section 9's humanitarian assistance defence, as I said on Second Stage, is of the utmost importance. It would be absolutely unacceptable to anybody in this House, Government or Opposition, if humanitarian organisations or those who were directly involved in providing humanitarian assistance were in any way criminalised. The Minister of State explained in his Second Stage contribution that the reason for the different approach being taken to existing law was the difficulty in proving that someone was involved in trafficking for monetary gain and prosecutions were failing. They were not even being taken, because how do you prove monetary gain? Actual traffickers were getting away. The challenge

is to get that balance. Amendment No. 1 provides for section 9(a) should be absolutely acceptable, it seems to me. It states:

A person shall not be considered to have committed an offence under *section 6* or *7*, where the person engaged in conduct alleged to constitute an offence under *section 6* or *7*—

(a) in order to provide, in the course of his or her work on behalf of a *bona fide* humanitarian organisation, assistance to a person seeking international protection in the State or equivalent status in another state if the purposes of that organisation include giving assistance without charge to persons seeking such protection or status ...

That seems clear cut and obvious. If a person is working for a bona fide international humanitarian organisation, surely there should be no issue with that?

The second part of the amendment, 9(b) is slightly more problematic so I will tease it out a bit. It states that it shall be done “for the purpose of providing humanitarian assistance, otherwise than for the purpose of obtaining, directly or indirectly, a financial or material benefit.” The question is how is that proven. The first part of providing humanitarian assistance is obvious, but I am sure that some of these traffickers would quite readily say that they were providing humanitarian assistance. The issue is how do you get at the criminal gangs who are now putting people in absolute peril and fleecing them for the privilege. Take the awful case in England where so many Vietnamese people died in the back of a truck. The rates charged for that trafficking impoverished a whole community that contributed. These are desperate shocking crimes that have to be punished.

Our job, and we have to tease it out a bit, is to strike the balance between absolutely achieving the objective that Deputy Connolly has set out and ensuring that humanitarian organisations which are providing sustenance and support for people who take desperate measures for no motive other than altruism are protected and in no way criminalised but while achieving that objective not creating a loophole where criminal traffickers who are facilitating death get away because we cannot prosecute them. I would be interested to hear the Minister of State’s views on the legislation he has proposed to us and how that balance is struck. Can he give reassurances that the sort of organisations that are sought to be protected under Deputy Connolly’s amendment are, in fact, protected under the legislation? Can we strengthen the Bill to ensure that this is beyond doubt in order that the observations of humanitarian organisations including the Irish Human Rights and Equality Commission are fully addressed and assuaged.

Deputy Catherine Murphy: I also want to express shock and horror over what has happened this evening in the English Channel.

9 o’clock

Given the amount of movement of migrants and the way this has been handled it was more a matter of when, rather than if, that was going to happen. It is just appalling. Tomorrow morning, we will find out the names and we will see faces and there is a different reality when that happens. All we can do at this stage is think of their families who are going to be hearing this awful news.

On this particular amendment, I take the point about achieving balance because I raised the case of Seán Binder when I was speaking on Second Stage. Subsequently, we saw it in the

media and saw what he is likely to be facing. We should be trying to protect people who are genuinely trying to provide humanitarian assistance. It is in our DNA to do that. We have significant numbers of very high-profile charities that are well-supported. It is in our DNA because of our own heritage and our own experiences of fleeing this country purely for survival and not just for a better life. We have an obligation to ensure people who want to offer humanitarian assistance and are involved in organisations can do that. The last thing we want is for people to second-guess what they should do when their entire instinct is to provide humanitarian assistance. We want to close off the routes for people who are taking money to traffic people. I know nobody in this House would condone that, support it or want a loophole that would allow that to happen. It is not good enough to allow this Bill to go through without addressing this issue comprehensively.

Deputy Martin Kenny: At the core of this is the notion that there are decent, genuine, generous people who want to help in these situations. As has been said, some of them are members of various humanitarian organisations but they are also individuals who sometimes risk a great deal to help people. We know that happened recently in Afghanistan when people had to be got out of there and there were individuals who risked a great deal to get them out and try to get them to a safe place. We know there are also economic migrants who want to get a place where they can have a better future. God knows, we in this country know that is exactly what so many of our ancestors sought. They went out with their hand out looking for a welcome and in most places they got it. We have an obligation to try to protect people and organisations who want to do that. What has happened in the English Channel tonight is a stark reminder of what faces many of these unfortunate people when they are in that terrible position. It is imperative there is a solution found to that and that we protect both the humanitarian organisations and the individuals who would be prepared to take risks to assist people. It is equally imperative that there is not, as Deputy Howlin said, a loophole that can be used by the unscrupulous groups of criminals to make an awful lot of profit out of human misery.

Deputy James Browne: I thank Deputy Connolly for the proposed amendments. As she pointed out, the humanitarian assistance offence would be reframed as an element of the offence. The burden would be on the prosecution to prove the absence of a humanitarian assistance motive in almost all cases.

The reversal of the burden of proof is a central policy element of the Bill. Our primary motivation for amending the legislation in this area is to increase the effectiveness of criminal sanctions for these offences. The clear advice we received from the Garda and from prosecutors was that the existing framing within the 2000 Act of a requirement for material gain was a major practical block to successfully prosecuting organised criminal smugglers. The reason for that, which I think is widely accepted, is the payment typically will not take place in the State and the smuggled persons may not co-operate with authorities for fear of the consequences for them and for their families at home. Thus, the starting point must be that the existing legislation falls considerably short of providing an effective deterrent to people smugglers. We have sought to strike an appropriate balance that reflects our intention, namely, to focus on for-profit smuggling while not placing an impossible burden on prosecutors. Allowing smugglers to operate without risk of prosecution does not further any humanitarian motive. It places more and more people in the hands of criminal gangs who at the very least will charge exorbitant fees, will likely place the smuggled persons in danger and who may exploit them in the most shocking of ways. The State is not at odds with those providing genuine humanitarian assistance to migrants. We simply have to ensure well-intentioned measures do not unintentionally undermine

the criminal sanctions we are putting in place.

Under the EU instruments for assisting entry and transit, we cannot incorporate a blanket element of financial material gain either as an element of the offence or as the defence. We can make provision for humanitarian assistance, as we have done, and we have done so as broadly as possible. In providing for a broad and generally applicable humanitarian assistance defence, we have gone well beyond what most other member states have done. The discretion has been taken up by only seven other states and in many other cases it has been even more narrowly defined.

With regard to where the burden of proof lies, the question is who is best placed to meet it. Let us take entry as an example. The prosecution must prove the accused intentionally assisted someone to enter the State in breach of immigration law and that the accused knew or had reasonable cause to believe the entry was a breach. That is a substantial burden. It is showing that a person intentionally facilitated unlawful entry. If that is proven, then if the accused is claiming he or she was acting for humanitarian motives, it is reasonable to require some evidence of that. On previous Stages, Deputies and Senators have raised how significant a prosecution would be for a humanitarian actor. While I accept being prosecuted is serious for anybody, I do not agree the framing of the humanitarian assistance provision as a defence gives rise to a real risk of unjustified or politicised prosecution in this country. The DPP's office is independent in its functions and it establishes clear and well-understood guidelines on the decision to prosecute. Critically, this states prosecutors should not lay a charge where there is no reasonable prospect of securing a conviction before a reasonable jury. There is nothing to suggest the DPP charges people to make political points or where there is no prospect of a conviction. Given the breadth of the defence as it is drafted, I do not believe there is a real risk of an unjustified prosecution and do not accept that bona fide organisations now find themselves in jeopardy. Similar language has been used in the Illegal Immigrants (Trafficking) Act 2000 and I do not believe there have been any politically-motivated prosecutions under that Act.

I reassure the Deputies what we have sought to do here is put a balance in place where we can secure prosecutions. Without the reverse burden, that has proven effectively impossible. At the same time we are ensuring there is a broad humanitarian defence to ensure those who are acting out of humanitarian motives will have a defence if it becomes necessary for them to do so. Reversing the burden is on the balance of probabilities and not beyond all reasonable doubt, so I think that balance has been struck there. The various representations made by a number of NGOs were not ignored; they were all taken into account. However, the strong view from the Attorney General was that we took and incorporated those recommendations where we could but in terms of the reverse burden if we want to get prosecutions of smugglers this is the only effective way to do so.

Acting Chairman (Deputy Cathal Crowe): Is Deputy Connolly pressing the amendment tonight?

Deputy Catherine Connolly: I wish to speak to it.

Acting Chairman (Deputy Cathal Crowe): That is fine.

Deputy Catherine Connolly: I used the word "guillotine" and I want to clarify there is no guillotine but it is important to say it has to be finished tonight as that is the Order of Business. Is that correct?

Deputy James Browne: Yes.

Deputy Catherine Connolly: I see. In that sense there is a guillotine. We could stay until 4 a.m. but it must be finished tonight. That is most unfortunate.

Deputy James Browne: I understood it could be adjourned at 9.30 p.m.

Deputy Catherine Connolly: That is what I understood but when I checked-----

Deputy James Browne: I do not mind adjourning.

Acting Chairman (Deputy Cathal Crowe): To clarify, there is no order of the House to adjourn. The voting block is intended for 9.30 p.m.

Deputy Brendan Howlin: However, there is no guillotine motion on this either.

Deputy James Browne: No.

Deputy Brendan Howlin: Thus we can simply adjourn the debate.

Deputy James Browne: We can simply agree to adjourn, can we not?

Acting Chairman (Deputy Cathal Crowe): Yes. If we agree to adjourn.

Deputy Brendan Howlin: That is fine.

Deputy Catherine Connolly: That is good because it would be a burden to stand here, especially after the news the Minister of State has given us. These are issues that need to be teased out.

On the Minister of State's response to Deputy Tóibín, it was not the Deputy's fault or our fault, but there is no way to be vigilant an hour and a half ahead of time. I was in the Chair and saw what was happening. It should have been teased out at that point and it was not. It was not the Minister of State's fault. He gave his speech but it certainly was not challenged in the sense that it was not discussed or teased out. We are doing it now at this stage, but we need more time to tease it out. I thank Senators Higgins, Ruane and the other Senators who spoke to this amendment, did a huge amount of work in the Seanad and alerted us to this issue. I also thank the Irish Human Rights and Equality Commission.

To put things in perspective regarding deaths, and we have spoken tonight about the tragedy in the channel, the digest tells us - I thank the Oireachtas Library and Research Service for this - that a total of 1,354 migrants have died thus far in 2021, up until tonight, while crossing the Mediterranean. That is just in the Mediterranean. The missing migrants project run by the International Organization for Migration has indicated that migrant deaths on maritime routes to Europe have more than doubled in the first six months of 2021. That is the background to this amendment.

On the Bill itself, a regulatory impact assessment was never published. I might be wrong, but the digest informs us that the regulatory impact assessment was prepared but never published. When we checked further, we found out that only one of the 12 Bills brought forward from 27 June 2020 to 15 September 2021 had a published regulatory impact assessment. I do not know why that is happening.

I will go back to explain why we are tabling this amendment. The Bill has been brought forward under pressure, once again, because of the facilitation package to bring in the EU Council directive, so the specifics and framework are given. The instruments are taken together, they are complementary and are called the facilitators' package. I understand that. Therefore, the person who intentionally assists unauthorised entry, transit or residence of a non-EU national in the EU is to be sanctioned, unless he or she is acting for humanitarian reasons, which is good. However, there is no definition of "humanitarian reasons" in the Bill. To say that person is not being penalised is totally misleading because if someone is charged with an offence, that is a penalty. As it is currently set out, a humanitarian action, whoever does it, whether it is a body, a number of people or those acting individually, as seems to be the case with the two young people who are being charged in Greece, is being penalised. People will be charged with very serious offences that have a very serious penalty and they will have to prove their innocence. There is no presumption of innocence but one of guilt, which is a major change in the law and one without proper scrutiny.

We are implementing a decision and a directive, along with a UN protocol, which we signed up to almost 21 years ago but still have not ratified. That is important. This Bill will enable us to ratify that protocol, or the Bill will be the ratification of the protocol, subject to the Minister of State's clarification, but it has taken us 21 years to ratify it. That was plenty of time to look and see what the problems were. There is more than a nuanced difference between the EU instruments and the UN instrument. The latter puts a clear emphasis on the rights of people being smuggled. It seeks to protect those people and their rights, whereas the emphasis of the EU decision and directive we are implementing is to protect borders. That is my interpretation and the interpretation of the accounts I am reading. That is an important difference when we look at what we are doing. If we accept that background and the difference between the UN protocol and the EU directive, although there is overlap between them and different articles set out different things very clearly, the ultimate aim of the protocol is to protect the person being smuggled. The ultimate aim of this directive and decision is to protect the border. It is very important to protect our borders, but we should do it in a manner that is just, fair and proportionate. I do not think that is what is happening when we put the burden on a humanitarian organisation or individual to prove they have not committed a crime. I have a major difficulty with that.

The absence of data also jumped out at me as did the absence of prosecutions under the Acts we have in place since 2000. That is clearly set out for us in the digest. There were two prosecutions. I understand there is a difficulty in seeing a successful prosecution through, but that is no reason to swing the other way and put the onus on the humanitarian organisation. That is what has happened here. The Minister of State talks about balance but the Government has not balanced the situation, which is difficult because we have no data. We know that. We have no data on the number of people coming in or going out, the number being trafficked and the number of children lost along the way. I have a letter from Tusla I might come back to regarding children disappearing. We have no data collection, which has been pointed out by the Irish Human Rights and Equality Commission, as it has the absence of a mechanism to identify somebody who has been smuggled and who is, therefore, entitled to rights. This is not a criminal but someone entitled to be protected, as set out in the UN protocol, as opposed to protecting a border.

Deputy Brendan Howlin: Deputy Connolly makes a very strong point. There is a need to fix an obvious problem with the existing legislation. It has again been indicated, and the Minister of State indicated in his speech on Second Stage, that only two prosecutions for smuggling

have happened in the past 20 years. That is preposterous. If that is correct, it is a clear indication our laws in this regard need altering. The question is how we ensure those who are exploiting and smuggling people for profit are prosecuted to the extent of the law to prevent tragedies, such as the awful one that has unfolded this evening, while at the same time, from listening to what the Minister of State said, protecting individuals with bona fide organisations who are engaged in humanitarian work not only from being convicted - Deputy Connolly is correct on this - but from being prosecuted. Fear of prosecution is a real and chilling issue.

I think the Minister of State has said that is his intention. In his speech on Second Stage he said that the section 9 humanitarian assistance defence:

provides that it ... [will be] a defence to prove on the balance of probabilities that the conduct ... engaged in for the purpose of providing humanitarian assistance, otherwise than for ... obtaining, directly or indirectly, a financial or material benefit.

We accept that is the Minister of State's intention, but the problem is he is putting humanitarian assistance in as a defence once the prosecution has actually commenced. We can do two things. I do not see how there is any resistance anywhere, including from the Government, to automatically exclude from being criminalised in any way, even from fear of prosecution, people who are working for a bona fide humanitarian organisation.

If we exclude anybody who, in the words of the amendment tabled by Deputy Connolly, "in the course of his or her work on behalf of a *bona fide* humanitarian organisation, [is providing] assistance to a person seeking international protection", that is a major first step.

Then we have to deal with Deputy Kenny's point about individual actors who are motivated. How do we prevent them from being prosecuted? I am interested in the Minister of State's view on that. How far can we go to ensure they are not prosecuted, and therefore do not have to deploy the humanitarian assistance defence, without jeopardising the Minister's intention of ensuring we can prosecute the traffickers? Would the Minister of State take the first step by accepting that anybody who is working for a humanitarian organisation and in the course of their work provides humanitarian assistance is excluded from the provisions of these sections? Then we might spend some time seeing how we can strengthen the protection for individuals who are motivated to give humanitarian assistance not out of any material consideration but simply out of humanitarian consideration.

Deputy James Browne: There are a number of issues there. I will take Deputy Howlin's point. If one excludes from prosecution anybody working for a bona fide organisation and if such a defence is raised, the prosecution will have to prove a negative - that somebody was not part of a bona fide organisation. It is almost impossible for a prosecutor to prove a negative. It would make it extremely difficult. I will deal with the definition first. The reason we have not defined humanitarian assistance is that it is almost impossible to find what that definition would be. One will either end up with something that is too wide and could be widely abused by smugglers to come under that umbrella, or something that is too narrow. One cannot predict each and every organisation, event or circumstance. One will end up with people being prosecuted and convicted even though, to many of us, they may have come under the category of general humanitarian assistance.

We have to trust our courts and juries to be able to assess humanitarian assistance, if it gets that far. To be prosecuted, the DPP has to form an opinion that there is sufficient evidence to

bring a prosecution. It will not do so where there is no reasonable prospect of securing a conviction by a reasonable jury. That is the first hurdle. Initially, the DPP will have to decide under its criteria whether to bring a prosecution in the first place.

The second hurdle arises where the prosecution will have to prove the elements of the offence. If the prosecution succeeds in that respect, it is then open to the person to claim humanitarian assistance as a defence. That is provided for in sections 9(1)(a) and 9(1)(b). At that point, the person can argue as a defence that he or she was operating for a bona fide organisation or otherwise, under section 9(1)(b), which refers to engaging in this activity “for the purpose of providing humanitarian assistance, otherwise than for the purpose of obtaining, directly or indirectly, a financial or material benefit.”

There are several steps to be navigated before anybody acting in this way could potentially be convicted. It is a similar situation and similar language is used in the Illegal Immigrants (Trafficking) Act 2000. I am certainly not aware of any cases of humanitarian organisations or people acting out humanitarian actions having difficulties created for them or being prosecuted or convicted under that Act. We have not seen any such situations.

It is not a presumption of guilt and we need to be clear on that. It is not presuming somebody to be guilty. If it was, this would be unconstitutional. This legislation, like a number of pieces of our law, is reversing the burden of evidence. It does so on the balance of probability. It reverses the burden of evidence in circumstances in which the people who have access to that evidence are the people who are best placed to be able to provide it. It has proven impossible in the cases of smuggling for the prosecution in this country to be able to get the evidence to prove money has changed hands in third countries or whatever the case may be. We have seen that. There have not been convictions in this country.

This has not been entered into lightly. It has been thought of very carefully, but if we are to get convictions against people who are smuggling and taking advantage of very vulnerable and desperate people, we need to reverse the burden. Reversing this burden will not in any way put genuine bona fide NGO humanitarian organisations or those individuals at risk. We have seen that through the Illegal Immigrants (Trafficking) Act 2000 and its operations.

We are satisfied with the balance that has been struck. We need to get prosecutions of those who are smuggling because of how they are taking advantage of vulnerable people. That is how we are looking at it. From the perspective of the DPP, the elements of the offence must be proven and then it is only on the balance of probabilities that the reverse burden kicks in.

With regard to the length of time taken to implement this, there has not been a 21-year delay in ratifying it. There was a conscious decision, for a very long time, not to act on or implement these European Union laws. We have now decided to do so to meet our Schengen Information System, SIS, II requirements, since we have decided to come under that. There has certainly not been a 21-year delay. There has been a conscious decision not to participate in this up until now.

Deputy Catherine Connolly: Why was there a conscious decision not to do so? I fail to grasp why there was such a decision for almost 21 years. Do we not sign something with a view to ratifying it, unless we have to take certain steps in the meantime? We are ratifying it 21 years later.

Deputy James Browne: In order to answer that question, I would have to give the opinions

of previous justice ministers and governments, which I cannot do.

Deputy Catherine Connolly: I thank the Minister of State for the correction. I agree with him. With the reversal of the burden of evidence, the Minister of State is trying to sort out a problem with existing legislation; namely, the failure to have prosecutions. However, we have nothing before us on why that failed and what the problems were. There is nothing here to tell us what the issues with that legislation are, other than that there is an absence of prosecutions. We are dealing with that problem while putting the burden on people and organisations that can ill afford to come forward when they are faced with a prosecution. It does not make sense to me.

I again thank those who compiled the digest. In 2020, in the context of the new pact on migration and asylum, the Commission adopted a guidance document. What was the guidance document for? It was aimed at clarifying that the facilitators' package, which was the directive and the decision that has led to this Bill, should not be interpreted in a way that allows humanitarian activities mandated by the law to be criminalised. That is, in effect, what we are doing here. We are criminalising those involved in humanitarian actions. It specifically says in the guidance document that this should not happen.

Obviously, this must have been discussed in Europe, because it provided the 2020 guidance document which states specifically that it should not be interpreted in a way that allows humanitarian activities mandated by law to be criminalised. The directive does not provide an explicit definition of humanitarian assistance, and nor does the Bill before the House. Some examples provided in the European Parliament's 2018 study on the criminalisation of humanitarian assistance to irregular migrants - there has been quite a bit of research and analysis of all of this - include such a provision. This is helpful in thinking about what a definition could be. It could include the provision of services that help migrants to access their fundamental rights, including to healthcare, shelter, hygiene and legal assistance, and to live with dignity, or any action guided by the principles of humanity, solidarity, impartiality and independence. There is a distinction between humanitarian and related objectives and economic and financial objectives. There is a working definition for what a humanitarian action is.

It has not been teased out enough. I do not doubt the bona fides of the Minister of State but law should not be based on reassurances. Laws should be clear in their purpose and effects. They should be reviewed regularly, which comes to other amendments for another night, when we look at a built-in review. I could not see myself agreeing to this amendment in any way. It has to be teased out. It deserves more attention. Members were caught out by the way that the debate happened. We did not get an opportunity to tease this out. I would not even say that there is nuance. It is blatant if the burden to provide evidence is on the humanitarian organisation or the person carrying out humanitarian acts. We need more and more of those people and organisations, from what we see with the build-ups on borders in Europe, the European Border and Coast Guard Agency, Frontex, and the money that is going into it.

I think I am out of time.

Acting Chairman (Deputy Cathal Crowe): There is a provision to guillotine this, which was agreed at the Business Committee. If the Minister of State wishes to adjourn now so that we can proceed to postponed divisions, we can do so.

Deputy James Browne: I propose that we adjourn the debate.

Acting Chairman (Deputy Cathal Crowe): Is that agreed to? Agreed.

Progress reported; Committee to sit again.

Mother and Baby Homes Redress Scheme: Motion (Resumed) [Private Members]

The following motion was moved by Deputy Kathleen Funchion on Tuesday, 23 November 2021.

That Dáil Éireann:

acknowledges:

—that the State failed the women and children who were in Ireland’s Mother and Baby Homes and County Homes institutions;

—that women and their children were unlawfully separated during their time in these institutions;

—that women and their children were unlawfully separated during their time in institutions not investigated by the Commission of Investigation into Mother and Baby Homes and certain related Matters;

—that women and their children were unlawfully separated in non-institutionalised settings, including through adoption agencies and private facilitators;

—the Taoiseach’s acceptance of the lack of respect for the fundamental dignity and rights of mothers and children who spent time in these institutions and that the State did not uphold its duty of care to them;

—that the Taoiseach’s apology in January did not acknowledge the full extent of the human rights violations experienced by people affected by this issue;

—that the State has failed to acknowledge the full extent of unlawful and forced family separation; and

—that the final report of the Commission of Investigation into Mother and Baby Homes and certain related Matters is currently being challenged in the High Court;

recognises:

—the personal trauma and human rights abuse of forced family separation;

—that the harms associated with forced family separation are not dependent on length of stay in a Mother and Baby Home or similar institution;

—that the harms associated with forced family separation are not dependent on spending time in an institution; and

—that the exclusion of people who were in these institutions for a period less than

six months, people who were boarded out, people who were in institutions not falling under the remit of the Commission of Investigation, and people who experienced forced family separation but were not institutionalised is inequitable and unjust;

commends the survivors, mothers, adopted people, their families, and the families of the children who died in these institutions for sharing their lived experiences and trauma, and those who have advocated on their behalf; and

calls on the Government to:

—seek immediate and substantive recourse from religious orders and pharmaceutical companies to contribute to the State’s redress scheme;

—use OAK’s ‘Report of the findings of the Consultation with Survivors of Mother and Baby Homes and County Homes’ as a basis for amending the proposed redress scheme;

—engage immediately with the victims and survivors’ organisations and those directly affected by the scandal of Mother and Baby Homes and County Homes institutions; and

—urgently review, in consultation with these groups, the following matters:

—the time-based criteria;

—the exclusion of children who were boarded out from the redress scheme;

—access to the enhanced medical card;

—proposed payment rates;

—the failure to include all Mother and Baby Homes, County Homes, institutions, agencies and individuals involved in forced family separation;

—the legal waiver attached to the scheme; and

—amend the scheme accordingly to meet the needs of the survivors.”

Debate resumed on amendment No. 1:

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

“acknowledges:

— that the State failed the women and children who were in Ireland’s Mother and Baby Homes and County Homes institutions;

— that women and their children were separated through coercion and/or force, often unlawfully, during their time in these institutions;

— that women and their children were separated through coercion and/or force, often unlawfully, during their time in institutions not investigated by the Commission of Investigation into Mother and Baby Homes and certain related Matters;

— that women and their children were separated through coercion and/or force, often unlawfully, in non-institutionalised settings, including through adoption agencies, maternity hospitals and private facilitators;

— the role religious authorities, social workers and private individuals played in non-institutionalised settings, where women and their children were separated through coercion and/or force, often unlawfully;

— the Taoiseach's acceptance of the lack of respect for the fundamental dignity and rights of mothers and children who spent time in these institutions and that the State did not uphold its duty of care to them;

— that the Taoiseach's apology in January did not acknowledge the full extent of the human rights violations experienced by people affected by this issue, and the long-term effects of these violations on their lives;

— that the Taoiseach's apology in January did not acknowledge the full extent of the human rights violations experienced by people affected by this issue;

— that the State has failed to acknowledge the full extent of unlawful and forced family separation; and

— that the final report of the Commission of Investigation into Mother and Baby Homes and certain related Matters, which is currently being challenged in the High Court, failed utterly to respect, acknowledge, or give adequate weight to the personal testimonies of survivors;

recognises:

— the personal trauma and human rights abuse of coercion of a mother to relinquish her baby and of forced family separation;

— that the harms associated with forced family separation are not dependent on length of stay in a Mother and Baby Home or similar institution;

— that the harms associated with forced family separation are not dependent on spending time in an institution;

— that the exclusion of people who were in these institutions for a period less than six months, people who were boarded out, placed at nurse, people who were in institutions not falling under the remit of the Commission of Investigation, and people who experienced forced family separation but were not institutionalised is inequitable, unjust, and contrary to the survivor feedback received by OAK;

— the primal wound of separating babies from their mothers, by coercion and/or force, often unlawfully, at any age; and

— that all babies, regardless of age, experienced trauma due to being deprived of their mother's care, often being left unsupervised, neglected and/or malnourished;

commends the survivors, mothers, adopted people, their families, and the families of the children who died in these institutions for sharing their lived experiences and trauma, and those who have advocated on their behalf; and

calls on the Government to:

- demand immediate and substantive recourse from religious authorities (both Catholic and Protestant) and pharmaceutical companies to contribute to the State's redress scheme and, if necessary, expropriate their assets to achieve this;

- use OAK's 'Report of the findings of the Consultation with Survivors of Mother and Baby Homes and County Homes' as a basis for amending the proposed redress scheme;

- engage immediately with the victims and survivors' organisations and those directly affected by the scandal of Mother and Baby Home and County Home institutions;

- urgently review, in consultation with these groups, the following matters:

- the time-based criteria;

- the exclusion of children who were boarded out/placed at nurse from the redress scheme;

- access to the enhanced medical card;

- proposed payment rates;

- the failure to include all Mother and Baby Homes, County Homes, institutions, agencies and individuals involved in forced family separation;

- the legal waiver attached to the scheme; and

- amend the scheme accordingly to meet the needs of those survivors;

- repudiate the final report of the Commission of Investigation into Mother and Baby Homes and certain related Matters and cease contesting cases that are being taken by survivors;

- ensure that applications for redress payments for older survivors, who are pensioners, be opened from next January 2022 rather than the end of 2022;

- investigate records and burial sites of homes (including Tuam) where babies and children have been documented as deceased but where there are no burial records;

- provide all adoptees, boarded out and placed at nurse people with their full medical history as a priority;

- make a State apology to adopted, boarded out and placed at nurse people who were placed in abusive families and households; and

- preserve the oral confidential committee tapes and written Commission of Investigation testimonies in consultation with the survivors.”

- (Deputy Richard Boyd Barrett)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to the motion regarding the mother and baby homes redress scheme. On Tuesday, 23 November 2021, on the question, “That the amendment to the motion be agreed to”, a division was claimed, and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 57; Níl, 73; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Andrews, Chris.</i>	<i>Brophy, Colm.</i>	
<i>Bacik, Ivana.</i>	<i>Browne, James.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Burke, Colm.</i>	
<i>Brady, John.</i>	<i>Burke, Peter.</i>	
<i>Browne, Martin.</i>	<i>Butler, Mary.</i>	
<i>Buckley, Pat.</i>	<i>Byrne, Thomas.</i>	
<i>Cairns, Holly.</i>	<i>Cahill, Jackie.</i>	
<i>Canney, Seán.</i>	<i>Calleary, Dara.</i>	
<i>Carthy, Matt.</i>	<i>Carey, Joe.</i>	
<i>Clarke, Sorca.</i>	<i>Carroll MacNeill, Jennifer.</i>	
<i>Collins, Joan.</i>	<i>Chambers, Jack.</i>	
<i>Collins, Michael.</i>	<i>Collins, Niall.</i>	
<i>Conway-Walsh, Rose.</i>	<i>Costello, Patrick.</i>	
<i>Cronin, Réada.</i>	<i>Coveney, Simon.</i>	
<i>Cullinane, David.</i>	<i>Creed, Michael.</i>	
<i>Daly, Pa.</i>	<i>Crowe, Cathal.</i>	
<i>Doherty, Pearse.</i>	<i>Devlin, Cormac.</i>	
<i>Donnelly, Paul.</i>	<i>Dillon, Alan.</i>	
<i>Ellis, Dessie.</i>	<i>Donnelly, Stephen.</i>	
<i>Farrell, Mairéad.</i>	<i>Donohoe, Paschal.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Duffy, Francis Noel.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Durkan, Bernard J.</i>	
<i>Gannon, Gary.</i>	<i>English, Damien.</i>	
<i>Guirke, Johnny.</i>	<i>Farrell, Alan.</i>	
<i>Harkin, Marian.</i>	<i>Feighan, Frankie.</i>	
<i>Healy-Rae, Michael.</i>	<i>Flaherty, Joe.</i>	
<i>Howlin, Brendan.</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>Mac Lochlainn, Pádraig.</i>	<i>Heydon, Martin.</i>	
<i>MacSharry, Marc.</i>	<i>Higgins, Emer.</i>	
<i>McNamara, Michael.</i>	<i>Hourigan, Neasa.</i>	
<i>Mitchell, Denise.</i>	<i>Humphreys, Heather.</i>	
<i>Munster, Imelda.</i>	<i>Kehoe, Paul.</i>	
<i>Murphy, Catherine.</i>	<i>Lahart, John.</i>	
<i>Murphy, Verona.</i>	<i>Lawless, James.</i>	
<i>Mythen, Johnny.</i>	<i>Leddin, Brian.</i>	
<i>Nash, Ged.</i>	<i>Madigan, Josepha.</i>	

<i>Naughten, Denis.</i>	<i>Martin, Catherine.</i>	
<i>Nolan, Carol.</i>	<i>Matthews, Steven.</i>	
<i>O'Callaghan, Cian.</i>	<i>McAuliffe, Paul.</i>	
<i>O'Donoghue, Richard.</i>	<i>McConalogue, Charlie.</i>	
<i>O'Rourke, Darren.</i>	<i>McEntee, Helen.</i>	
<i>Ó Broin, Eoin.</i>	<i>McGrath, Michael.</i>	
<i>Ó Murchú, Ruairí.</i>	<i>McHugh, Joe.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Moynihan, Aindrias.</i>	
<i>Quinlivan, Maurice.</i>	<i>Murnane O'Connor, Jennifer.</i>	
<i>Ryan, Patricia.</i>	<i>Naughton, Hildegard.</i>	
<i>Sherlock, Sean.</i>	<i>Noonan, Malcolm.</i>	
<i>Shortall, Róisín.</i>	<i>O'Brien, Darragh.</i>	
<i>Smith, Duncan.</i>	<i>O'Brien, Joe.</i>	
<i>Stanley, Brian.</i>	<i>O'Callaghan, Jim.</i>	
<i>Tóibín, Peadar.</i>	<i>O'Connor, James.</i>	
<i>Tully, Pauline.</i>	<i>O'Dea, Willie.</i>	
<i>Ward, Mark.</i>	<i>O'Donnell, Kieran.</i>	
<i>Wynne, Violet-Anne.</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>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Richmond, Neale.</i>	
	<i>Ring, Michael.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Smyth, Ossian.</i>	
	<i>Stanton, David.</i>	
	<i>Varadkar, Leo.</i>	

Tellers: Tá, Deputies Richard Boyd Barrett and Pádraig Mac Lochlainn; Níl, Deputies Jack Chambers and Brendan Griffin.

Amendment declared lost.

Motion put and declared carried.

Education (Health, Relationships and Sex Education) Bill 2021: Second Stage (Resumed) [Private Members]

The following motion was moved by Deputy Gary Gannon on Wednesday, 24 November 2021: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

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

“Dáil Éireann resolves that the Education (Health, Relationships and Sex Education) Bill 2021 be deemed to be read a second time this day nine months.”

- (Minister for Education)

An Leas-Cheann Comhairle: I must now deal with a postponed division relating to Second Stage of the Education (Health, Relationships and Sex Education) Bill 2021, which took place on Wednesday, 24 November 2021. On the question, “That the amendment to the motion be made”, a division was claimed, and in accordance with Standing Order 80(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 82; Níl, 46; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Brophy, Colm.</i>	<i>Andrews, Chris.</i>	<i>McNamara, Michael.</i>
<i>Browne, James.</i>	<i>Bacik, Ivana.</i>	
<i>Burke, Colm.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Burke, Peter.</i>	<i>Brady, John.</i>	
<i>Butler, Mary.</i>	<i>Browne, Martin.</i>	
<i>Byrne, Thomas.</i>	<i>Buckley, Pat.</i>	
<i>Cahill, Jackie.</i>	<i>Cairns, Holly.</i>	
<i>Calleary, Dara.</i>	<i>Carthy, Matt.</i>	
<i>Canney, Seán.</i>	<i>Clarke, Sorca.</i>	
<i>Carey, Joe.</i>	<i>Collins, Joan.</i>	
<i>Carroll MacNeill, Jennifer.</i>	<i>Conway-Walsh, Rose.</i>	
<i>Chambers, Jack.</i>	<i>Cronin, Réada.</i>	
<i>Collins, Michael.</i>	<i>Cullinane, David.</i>	
<i>Collins, Niall.</i>	<i>Daly, Pa.</i>	
<i>Costello, Patrick.</i>	<i>Doherty, Pearse.</i>	
<i>Coveney, Simon.</i>	<i>Donnelly, Paul.</i>	
<i>Creed, Michael.</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>Gannon, Gary.</i>	
<i>Donohoe, Paschal.</i>	<i>Guirke, Johnny.</i>	
<i>Duffy, Francis Noel.</i>	<i>Harkin, Marian.</i>	
<i>Durkan, Bernard J.</i>	<i>Howlin, Brendan.</i>	
<i>English, Damien.</i>	<i>Kenny, Gino.</i>	
<i>Feighan, Frankie.</i>	<i>Kenny, Martin.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Kerrane, Claire.</i>	
<i>Flaherty, Joe.</i>	<i>Mac Lochlainn, Pádraig.</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>Healy-Rae, Michael.</i>	<i>O'Callaghan, Cian.</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 Snodaigh, Aengus.</i>	
<i>Kehoe, Paul.</i>	<i>Quinlivan, Maurice.</i>	
<i>Lahart, John.</i>	<i>Ryan, Patricia.</i>	
<i>Lawless, James.</i>	<i>Sherlock, Sean.</i>	
<i>Leddin, Brian.</i>	<i>Shortall, Róisín.</i>	
<i>MacSharry, Marc.</i>	<i>Smith, Duncan.</i>	
<i>Madigan, Josepha.</i>	<i>Stanley, Brian.</i>	
<i>Martin, Catherine.</i>	<i>Tully, Pauline.</i>	
<i>Matthews, Steven.</i>	<i>Ward, Mark.</i>	
<i>McAuliffe, Paul.</i>	<i>Wynne, Violet-Anne.</i>	
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Murnane O'Connor, Jennifer.</i>		
<i>Murphy, Verona.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Nolan, Carol.</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>		

24 November 2021

<i>O'Dea, Willie.</i>		
<i>O'Donnell, Kieran.</i>		
<i>O'Donoghue, Richard.</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>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Richmond, Neale.</i>		
<i>Ring, Michael.</i>		
<i>Ryan, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Smyth, Ossian.</i>		
<i>Stanton, David.</i>		
<i>Tóibín, Peadar.</i>		
<i>Varadkar, Leo.</i>		

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

Amendment declared carried.

Motion, as amended, agreed to.

The Dáil adjourned at 10.02 p.m. until 9 a.m. on Thursday, 25 November 2021.