



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Luain, 1 Márta 2021*

*Monday, 1 March 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### Gnó an tSeanaid - Business of Seanad

**An Cathaoirleach:** I have received notice from Senator Aisling Dolan that, on the motion for the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Education to make a statement on the status of the new school building project proposed for Scoil an Chroí Naofa, Ballinasloe National School, County Galway.

I have also received notice from Senator Micheál Carrigy of the following matter:

The need for the Minister for the Environment, Climate and Communications to provide an update on Government-funded peatlands rehabilitation and restoration initiatives.

I have also received notice from Senator Ollie Crowe of the following matter:

The need for the Minister for Social Protection to clarify whether people who retire before the age of 65 years are eligible for recently introduced benefits following the increase in the pension age, and whether the pandemic unemployment payment counts as a contribution for the purposes of eligibility for this benefit.

I have also received notice from Senator Denis O'Donovan of the following matter:

The need for the Minister of State at the Department of Public Expenditure and Reform with responsibility for the Office of Public Works to implement a cross-departmental response to alleviate and eliminate the causes of flooding in Bantry town, County Cork.

I have also received notice from Senator Timmy Dooley of the following matter:

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to consider developing sector-specific support packages for the tourism and hospitality sectors.

I have also received notice from Senator Victor Boyhan of the following matter:

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to consider allocating additional resources for the Green for Micro initiative to assist businesses outside the south east to transition to a low-carbon economy.

I have also received notice from Senators Aidan Davitt and Robbie Gallagher of the following matter:

The need for the Minister for Foreign Affairs to make a statement on the closure of passport services under level 5 restrictions.

I have also received notice from Senator Malcolm Byrne of the following matter:

The need for the Minister for Further and Higher Education, Research, Innovation and Science to make a statement on the full economic cost of a higher education student in full-time education, and if he will provide an update on the implementation of the Cassells report on higher education funding.

I have also received notice from Senator Garret Ahearn of the following matter:

The need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a statement on the important role local enterprise offices have in regional development and employment.

The matters raised by the Senators are suitable for discussion. I have selected those raised by Senators Dolan, Carrigy, Crowe, O'Donovan, Dooley and Boyhan and they will be taken now. The other Senators may give notice on another day of the matters they wish to raise.

## **Nithe i dtosach suíonna - Commencement Matters**

### **Schools Building Projects**

**An Cathaoirleach:** I welcome the Minister of State at the Department of Education, Deputy Josepha Madigan, to the House and thank her for attending.

**Senator Aisling Dolan:** I welcome the attendance by the Minister of State, Deputy Madigan, on behalf of the Minister for Education, Deputy Foley, to discuss this urgent and serious issue related to the building section of the Department.

In 1996, the Department of Education amalgamated two national schools in Ballinasloe, St. Grellan's boys' school, which dates to 1937 and the opening of which my father remembers as he was one of the first students, and the Sisters of Mercy junior infants' and girls' national school, which was my primary school. Scoil an Chroí Naofa was created in 1996 with an understanding from the Department of Education that a new school building would be provided to accommodate the children. The school, the sole DEIS band 1 school in County Galway, which has more than 280 pupils, is still awaiting a new school building 25 years later. A design team was appointed. Planning permission was issued in 2011, extended in 2016 and is due to expire in November 2021. There is still no school and no sign of any building works.

The stakeholders involved are the Department of Education, which is responsible for the

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delivery of this project, the Department's building section, the design team, the school's board of management and the local authority. There has been a shocking lack of project management and oversight here. What has been going on for the past 25 years? What has been going on for the past five years? Why are children and teaching staff freezing in buildings dating from the 1930s and 1960s? How is this school fit for purpose? It is 2021 and with each delay or failure to make a decision, the building section and Department have somehow pushed this project off the priority list. That should no longer be the case.

There have been five boards of management - each sits for four years - and five principals over this timeframe. They have struggled to deliver this project and get it across the line. How many principal officers have come and gone in the Department of Education, yet no school has been built? In 2016, the Department indicated in writing that the project was going to construction with planning approval. Why did the school not proceed at that time?

Scoil an Chroí Naofa is a fantastic school with dedicated and committed teaching staff and special needs assistants, SNAs. Like many other schools, it is opening its doors today. The school takes children from all over Galway, Roscommon and Westmeath. It has an autism spectrum disorder, ASD, class now in a prefabricated building and two language classes. Children with special needs are crying out for a place and there is no space. There has not been space for 25 years.

There are five stages in construction and there is a guide to timelines for school buildings. As a newly elected councillor in 2019, I worked with parents, families and teachers to drive this project. I was of the view that it was moving to stage 3 but that is not the case now. The five stages comprise: stage 1, preliminary design, which takes roughly six months; stage 2a, development of sketch design; stage 2b, detailed design, which takes a year; stage 3, tender action, evaluation and award, which also takes a year; stage 4, construction, which takes two years; and stage 5, handover of works and final account. By this reckoning, the process takes five and half years in all. After 20 years, however, we are still at stage 2b, which involves obtaining all statutory approvals and preparing a set of fully detailed tender documents and an accurate pre-tender cost plan. Why has this not been completed when planning was granted in 2011? Who is accountable for these delays? Who is reviewing the monthly progress updates from the design team and who has been paying this design team for over 20 years? Right now, we need action for the almost 300 children who are in this school and who will not see a new building completed. The children in the area who have been waiting for an ASD unit will be obliged to wait for at least another four years, even if we move the project to stage 3 without any delays.

Some €740 million was allocated in respect of school building projects under Project Ireland 2040. We to see need to see urgent action in this case. I ask the Minister of State to address the following issues on behalf of the Minister? What is the current status of the design and school building project? Who is on the appointed design team? What is the position as to 2016 planning permission, which is null and void and which cannot be extended because there are no building works going on? What is the timeline for the e-tender process for construction of a new two-storey primary school building? Who on earth is going to be the senior principal officer to be assigned with sole responsibility for delivering this project?

There are serious issues at play here. I appreciate the Minister of State's commitment to special needs and inclusion. This is the only DEIS band 1 school in County Galway. DEIS means delivering of equality of opportunity in schools. How are we treating these children equally?

**Minister of State at the Department of Education (Deputy Josepha Madigan):** I thank Senator Dolan for raising this matter because it provides me with an opportunity to outline the current position as to the major building project for Scoil an Chroí Naofa, Ballinasloe, County Galway. I understand that this project is included in the Department's construction programme, which is being delivered under the national development plan. The brief is to provide for the demolition of the existing school building and the construction of a new school building to include 13 general classrooms with 13 special resource rooms, two speech and language resource rooms and a two-room specialist ASD unit, which the Senator mentioned.

Planning permission was secured for this project in 2011 and an extension to planning was secured in October 2016. The latter expires in November 2021. Unfortunately, as the Senator has correctly pointed out, there have been a number of delays with the project, including a request from the Department to make savings due to a cost overrun, the requirement to appoint a new team of engineers, a number of requests to change the brief relating to the project, the updating of submissions due to the public works contracts and concerns regarding access and planning.

The design team and the board of management presented their most recent brief change request to the Department in March 2020. This was approved in principle, subject to some clarifications, in April 2020. The design team at that time was advised to complete a revised stage 2b report incorporating this brief change in the tender documentation. The design team then forwarded the revised stage 2b report to the board of management for review sign-off and onward transmission to the Department in November 2020. We understand that this has not been received by the Department to date due to concerns raised by the school.

The major building project for this school is at an advanced stage of architectural planning, stage 2b, which includes the application for statutory approvals and the preparation of tender documents. While all statutory approvals have been secured, however, the Department is still awaiting the final stage 2b report from the school authorities, referred to by the Senator, and the project cannot be progressed without this. In addition, given the impending expiration of the planning permission, it is likely that a new planning application will now be required. My Department met with representatives from the school last month, at their request, to discuss the options available to the school to progress this project and my Department advised them of these. The school authorities are to consider these options and to revert to the Department. The Department also requested the school authorities to send the revised 2b to the Department with the school's comments for its consideration. At this meeting, I understand that the Department committed to assisting the school to progress the project.

I agree with Senator Dolan that the period relating to this project - she mentioned 20 or 25 years - seems extraordinarily long. It is also extraordinary that the project has not come to fruition. It has not happened yet but there is collaboration. We have to continue the dialogue between the board of management, the local authorities, the Department of Education and the school. This is really important for the almost 300 children involved. There will be 13 classrooms, 13 special resource rooms and two speech and language resource rooms. More importantly from my perspective, there will be two autistic spectrum disorder, ASD, units, and it is really important we have those. I hear and I share the Senator's frustration and I assure her I will bring the legitimate concern and outrage she raised today to the attention of the building unit and the Minister, Deputy Foley. Whatever the reasons for the delay, this project needs to be progressed because these school children should not be disadvantaged.

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**Senator Aisling Dolan:** I thank the Minister of State for her response. It is important we get clear timelines from the Department. I request that the design team completes the current specification request of Galway County Council and meets the safety requirements, such as safe drop-off and pick-up zones, that the Department of Education commit to co-fund the land outside the school buildings section, that new planning permission be submitted by the design team by the end of April 2021 and that there is a commitment from the design team to get that planning permission in by the end of April 2021 for a decision by May-June 2021 by Galway County Council. The Department of Education should be considering stage three by June-July 2021. This school should be funded this year. It is an urgent priority. I want a dedicated monthly meeting with all stakeholders to be led by the Department of Education with updates on timelines. This should happen every month to ensure we get this project across the line. There should be no more delay with this project. I thank the Minister of State for her support on this.

**Deputy Josepha Madigan:** As I said, I share the Senator's frustration in relation to this and I will bring the sentiments she has expressed in the Chamber to the attention of the Minister, Deputy Foley, and the building unit. Obviously, the design team has to liaise in a close way with the school and the board of management to ensure we try to get this school built as soon as possible. As the Senator pointed out, my understanding is that the planning permission is due to expire in November this year. If there is any way to get a start on the building work prior to the expiration of the planning permission, it is definitely worth pursuing that. If that is not possible, then a new planning application needs to be submitted in early course so that we get this school up and running. I know the Senator's passion for this school. It is a DEIS-band school in County Galway. It is important to be aware that there is emergency funding available for any minor works needed to keep the children safe and warm in the school.

### Environment Fund

**Senator Micheál Carrigy:** It is important to acknowledge the huge impact the closure of the power stations in Lanesboro and Shannonbridge, and the end of peat production, has had on communities and families which have worked in them for more than 50 years. The jobs at Mountdillon and Lough Ree power plant provided the communities of Keenagh, Killashee, Newtowncashel, Lanesboro and beyond will be difficult to replace. However, I welcome the substantial funding which was announced last year for a number of projects under the just transition fund. Some examples of these are the Lough Ree distillery, Lough Ree access-for-all boat trips and the food hub. I sincerely hope the issues which surfaced recently regarding EU state aid rules are dealt with positively to allow these much-needed projects to continue and provide much-needed employment in south Longford.

We must not allow the midlands to become a Rust Belt like the American mid west. Infrastructure and investment must be put in place to make sure it returns to a thriving economic area. Many areas are watching the midlands to see how the transition to a more sustainable future for the peat industry will be handled. It is important people in rural areas do not carry an unfair share of the financial burdens stemming from proposed climate action.

The restoration and rehabilitation of Ireland's peatlands is a critically important aspect of our response to the climate and biodiversity emergency. When healthy, these unique and precious habitats are home to some of the most threatened species and are among our best lines of defence against climate change, sequestering and storing carbon, reducing the impact of floods

and filtering water. Ireland's bogs, occurring as raised bogs, blanket bogs or fens are special and unique places and play an important role in contributing to our biodiversity, economy, well-being and natural and cultural heritage. Ireland holds approximately 50% of all raised bogs remaining in the Atlantic region of north-west Europe.

I welcome the Government's announcement of funding of €108 million for Bord na Móna's large scale peatlands restoration project. The scheme will protect the storage of 100 million tonnes of CO2 emissions, enhance biodiversity, create 310 jobs and contribute to Ireland's target of being carbon neutral by 2050. Many of those employed in this project will be former peat harvesters who have an intimate knowledge and long history of working on our bogs.

I welcome the EU LIFE grant support. The significant funding from the European Commission for this project will contribute towards the implementation of Ireland's climate action plan. The three strands of the projects are the establishment of a peatlands centre of excellence that will explore and carry out best practices in peatland restoration and rehabilitation; an immersive people's discovery attraction in the midlands that will reinforce the importance of climate action and peatlands rehabilitation and the introduction of a range of supports for sustainable businesses.

The boglands of south Longford are a perfect location to situate such a centre. The Corlea trackway Office of Public Works centre would be an ideal base at which to develop these plans in conjunction with the mid-channel wilderness plan park plan which forms part of the County Longford development plan. Longford must not be forgotten.

I also wish to raise the issue of peat harvesting for the horticultural industry. In the absence of peat from Irish sources, the industry will have to import it. Until an alternative growth medium has been identified, I ask that we allow the industry to produce sufficient peat for domestic use, at least.

I received a letter from a 12 year old called Michael Gacquin who spent the initial lockdown period walking and cycling along the boglands in south Longford. He made a couple of points to me. His letter read:

Why don't we put our industrial heritage museum in the power station? You could put the old tractors and machines that were specially made for the bog into it.

He said we could have "small train rides on the peat trains" and that "it would be a great much needed tourist attraction for Longford". He said also: "I think because the culture surrounding peat harvesting in the midlands is so much part of our history, that it is vitally important that we preserve it." Those are the words of 12 year old Michael Gacquin. I want to see his words brought to reality.

**Acting Chairperson (Senator Fiona O'Loughlin):** Well done to Michael for sending that to the Senator. I completely agree with Senator Carrigy, in particular in regard to horticultural peat. The Minister of State has four minutes to respond.

**Minister of State at the Department of Agriculture, Food and the Marine (Senator Pippa Hackett):** I thank Senator Carrigy for raising this issue. I apologise that my colleague, the Minister, Deputy Ryan, cannot be here to take the Commencement matter. Senator Carrigy highlighted many of the points in his address. Ireland's peatlands are part of Europe's oldest surviving near natural ecosystems. Due to their conservation value, more than 26,000 ha of

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raised bogs are protected under the EU habitats directive and national legislation. Some 50 blanket bogs are designated as special areas of conservation.

In their natural state, peatlands provide multiple ecosystems services such as water and air quality improvements, flood attenuation, reduction in biodiversity losses and socioeconomic benefits to local communities. A significant percentage of Ireland's protected bogs, however, have been lost and degraded over the last 30 years due to various pressures and threats, including burning and drainage. Government-supported measures are now under way to halt and reverse this loss of peatlands through sustainable management, rehabilitation and restoration.

The national peatlands strategy, the National Raised Bogs Special Areas of Conservation Management Plan 2017-2022, and Ireland's climate action plan set out measures to support the revitalisation of Ireland's peatlands. Several peatland restoration and rehabilitation initiatives are under way. Funding of €5 million from the carbon tax fund in 2020 enabled the commencement of peatland restoration measures by the National Parks and Wildlife Service on almost 1,900 ha of protected raised bogs in the midland region.

An allocation of funding of €14 million in budget 2021 will assist with the management, conservation and restoration of Ireland's raised bogs and protected peatlands, including restoration measures on a further 2,500 ha of protected raised bog. In addition, the Government through its various Departments and agencies is supporting peatlands rehabilitation and restoration projects in Ireland and across borders. The €5.4 million project, the Living Bog, is co-funded under the EU LIFE programme with €1.35 million provided by the Department of Housing, Local Government and Heritage. This will enable restoration works over an area of 2,649 ha.

In 2020, Ireland was awarded more than €10 million in grant funding for a new EU LIFE programme funded under the peatlands and people project which aims to engage people with the benefits of peatlands restoration and to realise the power of peatlands to effect positive climate action. Improving the conservation status in the special areas of conservation network of blanket bog and associated habitats is the focus of the EU LIFE programme, funded under the integrated wild Atlantic nature project, currently in the start-up phase. That project area encompasses 35 of the 50 blanket bog special areas of conservation. In November 2020 the Government announced support of up to €108 million for the Bord na Móna scheme on 33,000 ha of decommissioned Bord na Móna peatlands.

The Department of Agriculture, Food and the Marine announced funding in February for two projects which will focus on finding better ways to manage on-farm drained peat soils in the midlands. The two projects, which secured €2.2 million between them, were selected following an open call under the European innovation partnership initiative. They will be funded under Ireland's rural development programme 2014 to 2021. Coillte Nature also has a project to restore more than 2,000 ha of Atlantic bog.

On the Senator's query on horticultural peat, the Minister of State at the Department of Housing, Local Government and Heritage, Deputy Malcolm Noonan, has set up a working group in his Department to examine what alternatives can be used. The Department of Agriculture, Food and the Marine has also funded research into this area. It is a huge issue and something we have to get right to secure the future of the horticulture sector.

I thank 12-year-old Michael for his letter. This sort of innovation and thinking outside the

box on tourism and heritage is very important for the future for the midlands.

**Senator Micheál Carrigy:** I thank the Minister of State for the comprehensive list of funding that is available. My priority is my local area of Longford. We have a unique centre in Corlea which is right on the 3,000-year-old bog trackway. It is the ideal location to centre this proposed project. I spoke with 12-year-old Michael yesterday. He is a very enthusiastic young lad with a great vision for our area and for what the boglands can be turned into. I was a member of Longford County Council which has been promoting the Mid Shannon Wilderness Park. My vision is to bring schools from all over Ireland to our boglands, using the rail network that is there, to show them an integral part of our history. We have the infrastructure and the funding has been put in place by the EU. I want to see this project put in place in south Longford.

**Senator Pippa Hackett:** I thank the Senator. He is right to raise this issue, whether it relates to Longford, Offaly, Kildare or any area with such a wealth of potential in their peatlands. We have to look at them all. I completely agree with the idea of encouraging schools and communities to visit such sites, not only for their cultural and historical significance but for their future biodiversity and ecosystem value for schools and children. We should do everything we can to encourage that. The knock-on effects in terms of tourism and in securing local jobs in managing those sites and venues will be very important. I fully agree with the Senator that it is something we need to look into. The €10 million in peatlands and people funding is around that subject area. If we can expand that, we should do it as best we can.

*11 o'clock*

### **Social Welfare Benefits**

**Senator Ollie Crowe:** I welcome the Minister of State, Deputy Joe O'Brien, to the House and thank him for his time this morning. I want to raise, and I certainly welcome, the introduction of the benefit payment to 65-year-olds who have worked all their lives. They simply should not have to sign on the live register or seek new work, especially as many have no option but to retire at the age of 65 due to their contracts. Private sector companies frequently have a mandatory retirement age of 65.

As the House and the Minister of State well know, over the last year, and particularly during the general election campaign, I have been contacted by 65-year-olds who had to go through this process in recent years and were deeply affected by it. They consider this - rightly, in my view - to be an insult to their dignity. These are hard-working, honest people who have been working longer than some of us in this House have been alive. For them to have had to engage in a process that they considered to be beneath their dignity was insulting, to say the least. It should never have happened. I am glad the Minister of State and the Government have taken steps to address this.

I believe we need clarity around the payment, however. Over the last number of weeks, I have been contacted by people in Galway city and county who have retired at the age of 61 or 62 after working for 42 or 43 years. They seem to have huge concerns because there is certainly a miscommunication out there.

According to the Department, claimants must have paid at least 39 PRSI contributions at class A, class H or class P, or have credited contributions in the governing contribution year.

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As the Minister of State will be aware, at least 13 of these contributions must be paid from employment in the governing contribution year in the two years before this and in the last year or current tax year. Therefore, somebody could retire at the age of 62 with 42 or 43 years of service and then might not work at 63, 64 or 65. The Department outlined a number of weeks ago that everybody was eligible for this payment. As the Minister of State will be aware, it is more than €200 per week. Therefore, it would be in excess of €10,000 per year. I do not believe this is acceptable at all. I want clarity on it. How many people will it impact? What will be the breakdown between male and female?

I also want to raise the matter of pensions with regard to the Covid-19 pandemic, which has caused many people to be out of work for the last year. Could the Minister of State clarify how this condition will be impacted in their pensions? If people have been on the pandemic unemployment payment, PUP, since March 2020, does this payment count as a contribution for the purposes of fulfilling the condition I have mentioned? Could the Minister of State also clarify what the situation will be for those who have retired in the last 12 months before the age of 65? Will they be eligible for this payment when they reach their 65th birthday? What will be the status of those who retire now and in the future before the age of 65?

Finally, I note that when this change was announced at the start of February, the Minister of State's Department said it had identified people currently in receipt of jobseeker's benefit who were eligible for the new payment, and was in the process of advising them of the relaxation of conditions to their claim and of their automatic transfer to the scheme. Could the Minister of State advise if this process is now complete? If it is not, could he give an update on the work done thus far and set out when it is likely to be completed?

**Minister of State at the Department of Social Protection (Deputy Joe O'Brien):** I thank the Senator for raising this important matter. It is important to also point out that the pension age has been 66 for a long time and, in accordance with legislation introduced last year, it will not increase this year but remain at that age. The new benefit payment for 65-year-olds was introduced to deliver on a programme for Government commitment to address the position of people who retire at the age of 65. "Retire at 65" is an important phrase. In many cases, it is not because they want to but because that is the retirement age specified in their contract of employment.

As we all know, up until now, people in that position had to claim a jobseeker payment, sign in at the Intreo centre and declare that they were genuinely seeking and available for work. That is no longer the case. With this new benefit payment people who retire at age 65 do not have to sign on or attend an Intreo centre. However, if they wish they can still receive assistance in finding a job, including through participation in a course of education, while retaining their full payment entitlement.

This new benefit provides for a standard rate of payment payable at €203 per week with an increase for dependants, as appropriate. The social insurance contribution requirements are not as high as those for receipt of the State pension and people retiring at age 65 should, in most cases, easily meet the required PRSI conditionality. Although only recently introduced, more than 2,330 people aged 65 currently are availing of the new benefit.

New applicants for the scheme must satisfy all of the qualifying conditions of the scheme which include having the required contributions in the governing contribution year, GCY, which is the second last complete tax year. For example, in this situation where the person will be

making a claim for the new benefit in 2022, the second last complete tax year is 2020.

To qualify for the payment a person must have paid 104 PRSI insurable employment contributions at class A, H or P or paid 156 class S contributions if they are self-employed. They also require 36 contributions paid from employment in the GCY. At least 13 of those contributions must be paid from any combination of employment in the GCY, the two years before this, the last year or the current tax year. Alternatively, they could qualify if they have 26 PRSI contributions paid in the GCY and 26 paid in the year immediately before that. The requirement to have paid contributions during this period is to demonstrate their attachment to the workforce.

These are complex criteria but each case is determined on an individual basis taking into account the contributions paid on the date at which the person retired from employment. The best way to check entitlement in the case of an individual is to make an application for the benefit.

With regard to the specific example referred to by the Senator in his question, a person aged 63 years and retiring in 2020 with an entitlement to jobseeker's benefit would be entitled to social insurance credits and would qualify for the new benefit at age 65. I want to underline the point that it is very important in these circumstances that the person would claim their credits.

I will address the Senator's query regarding the attribution of contributions. The Social Welfare (Covid-19) (Amendment) Act 2020 provides, among other measures, for the attribution of social insurance contributions to insured persons who were beneficiaries of certain Covid-19 income support payments, including the pandemic unemployment payment, PUP.

The attribution of contributions will ensure that recipients of the PUP will have social insurance contributions attributed to them at the same value as they were paying while employed immediately before going on the payment. The measure means that people who lost their jobs arising from the pandemic will not be disadvantaged in accessing social insurance benefits such as the new benefit payment for those aged 65 years.

**Senator Ollie Crowe:** To be clear, my understanding is that the Department issued a statement in early February that everybody between 65 and 66 years of age would be eligible for the payment. Can the Minister of State confirm now that this is not the case and that they must have 13 weeks of paid PRSI contributions in the year they reach 63 or 64 to qualify for the benefit because if they are signing for the credits, they do not count?

Can the Minister of State tell the House the number of people this will impact and is he able to give the breakdown in terms of male and female? This is a huge issue in Galway West that has been raised with me because there are concerns with regard to people's entitlements. I thank the Minister of State for his time.

**Deputy Joe O'Brien:** I thank the Senator again for his contribution. Up to now, a person who retired at 65 because that was the retirement age in his or her contract of employment could only avail of an income support if he or she signed on at the local Intreo centre for jobseeker's benefit and declared that they were available for and genuinely seeking work. We all agreed that this was not a satisfactory position and that we should find a way to support a person who had to retire at aged 65 without obliging him or her to sign on. That was the commitment in the programme for Government and that is what this benefit payment for those aged 65 delivers. It provides a benefit payment for employed or self-employed people who are required to or who, in some cases, choose to retire when reaching age 65. The new benefit does not require a person to sign on or to engage in activation measures, or declare they are available for and genuinely

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seeking work. Recipients can choose to participate in a course of education while retaining their full payment entitlement.

It is important to note that anyone who retires at 65 should have the required contributions to qualify for this payment and, in fact, the contribution requirements to qualify for this payment are not as demanding as those to qualify for the State pension.

I do not have answers on the Senator's breakdown of statistics and on the automated transfer process that he referenced but we will get back to him on those. I want to underline that this is linked to contributions paid rather than reaching an age, as such.

### **Flood Prevention Measures**

**Senator Denis O'Donovan:** I welcome my namesake, the Minister of State, Deputy Patrick O'Donovan. I thank him for kindly visiting my home town of Bantry some time ago to see first-hand the damage done by flooding. I also acknowledge the visit at around the same time of the Minister, Deputy Michael McGrath, whose home town it is, given his father was born and reared there, before he emigrated to Cork, if I can use the phrase. His visit also gave some hope.

The problem in Bantry, as the Minister of State is probably aware, is that we have a double issue. When there is severe flooding after a yellow status or orange status weather alarm, and this combines with high tides, which we call spring tides, it creates a perfect storm and is a very serious issue. Bantry is a relatively low-lying coastal town and, in the long term, will be exposed to future tidal increases and extreme storm weather.

I opened a little business there in 1981 and I have noticed, decade by decade, that the rainfall seems to have increased. In the first decade of my business, I think we had severe flooding once but in this past winter, from October to today, there has been flooding on five separate occasions, two of them quite serious. It is very stressful. It causes anxiety to people with businesses, which are closed because of Covid, to come in and find clothes and shoes floating around in 18 inches of water. It has done a lot of damage.

On the question of damage, if people can get insurance, given the repetitiveness of the flooding, insurance companies are increasing their premiums. The day is not far away when they will say, "Hold on, you have a perennial situation in Bantry and we will not cover you again."

Because the town built new developments over the years, water is now running off hard surfaces and into the streams and culverts too quickly. The capacity of the culverts is no longer sufficient. Although I normally do not do so, I want to pay tribute to the British empire in its heyday and the monarchy that, in about 1860, built these systems in Bantry and other towns. In fairness, they have lasted up to this time and the structural culverts still stand and are in good use. However, when they were designed and the engineers dealt with this in about 1860, they never envisaged the culverts would have to take that volume of water.

The big issue is to find solutions, in particular to build and increase capacity and identify measures and techniques to slow down the quick release of excessive rainwater into the culvert infrastructure. I suggest that we set up a collaboration and communication between all the stakeholders, not necessarily just businesses, although we have a very active Bantry Business Association, which issues flood warnings frequently when there is a problem, which is very

helpful, but also the owners of private houses and others. It is essential that the stakeholders are communicated with. We need a structural update on the culvert system and a feasibility study of different solutions should be embarked on quickly. We must identify critical problem areas and provide funding for immediate remedial work to improve the situation, although the culvert issue can be dealt with without further reports. We need to design a long-term plan.

I was on the council for many years, I was elected to the Dáil in 2002 and I was on the old Bantry Harbour Board, which was eventually subsumed into and taken over by the Cork Port Authority. That was a retrograde step. In 2010 or thereabouts, a pivotal part of a new plan for Bantry involved developing a barrage or sluice gate for high tides. When spring tide coincided with flooding, this would keep out the tidal water out and the floodwater would gather in an area of six or seven acres created in the inner harbour. I look forward to the Minister of State's response and thank him for visiting the town some time ago.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Patrick O'Donovan):** I thank the Senator for raising this matter. I am pleased to provide an update on what is happening in Bantry. As the Senator says, I was down in Bantry and other parts of west Cork, which got a horrific doing of flooding during the summer. I thank the outdoor staff of Cork County Council, all the voluntary emergency staff, my outdoor officials at the Office of Public Works, OPW, and the engineering staff of the OPW and Cork County Council for all their efforts, not just during the summer but since then.

Following the flood events which occurred in Bantry in August and November 2020, measures have been implemented by Cork County Council in conjunction with the OPW in advance of the predicted rainfall and tidal events, including recently due to status orange weather and rainfall weather warnings. These include Cork County Council staff placing large sandbags at Sands Quay where some of the tidal waters enter the square and also mobile and fire service pumps are placed on standby. These measures have mitigated flooding in the town by reducing the number of properties that flooded. I visited some of these and understand the difficulties caused. The Senator is right that the frequency and violence of the flooding are getting worse. I understand it is acknowledged locally to Cork County Council staff that the measures have prevented some of the further properties from flooding.

For the most recent forecasted rainfall events, Cork County Council hired an additional two mobile pumps in advance. Measures were again put in place and the town was monitored by local Cork County Council staff throughout the period from 23 to 25 February. Thankfully, no flooding occurred and the forecasted rainfall did not materialise.

The flood risk management plans launched by the Taoiseach in May 2018 include a recommendation to progress the project level development and planning of ten new flood relief schemes for County Cork, which includes Bantry. Each individual flood relief scheme has a steering group comprising representatives from the OPW and Cork County Council. A steering group is in place to progress Bantry. The Bantry flood relief scheme is due to be implemented as part of the first tranche of 60 new schemes which have been prioritised. There have been a number of potentially viable flood relief works outlined for Bantry, to be implemented as appropriate after project level assessments and planning. These would include fluvial flood defences comprising walls and embankments and tidal flood defences, as the Senator said. These measures have preliminary total project cost estimates of around €6.5 million and would protect about 200 properties. Cork County Council in partnership with the OPW is finalising tender documents for the procurement of engineering consultants to progress the development of the

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scheme and a prior information notice has been published by the council on the Government's procurement website, eTenders. I am delighted the tender is due to be advertised shortly.

Once consultants are appointed to progress the flood relief scheme for Bantry, consultation with statutory and non-statutory bodies and the public will take place at the appropriate stages to ensure all parties have the opportunity to input into the development of the scheme. The Senator made reference to everybody being included and that will be vital at the consultation stage. The public in Bantry, including the Bantry Business Association to which the Senator referred, will all be included. In the meantime, Cork County Council regional and local roads design office has commenced the preparation of the consultant's brief documents to carry out the repair and reconstruction of the Main Street culvert, also referenced by the Senator, which has been a significant element contributing to the flooding on the main street. I saw that when I visited the area around New Street and north and south of Wolfe Tone Square. My office is liaising with Cork County Council on the integration of these works into the flood relief scheme.

I know from speaking to residents last year that flooding in Bantry is causing concern for residents and businesses alike. Cork County Council is investigating whether further interim measures can be put in place in advance of the main flood relief scheme which will mitigate against the flood risk currently present.

**Senator Denis O'Donovan:** I thank the Minister of State for his response. I am glad to know he is *au fait* with the situation in Bantry. The difference is that Bantry, because it is a tidal town, has the double problem of extreme rainfall combined with the tide issue.

The Minister of State might indicate some sort of timeline, if possible. Will we be waiting for five years or another period? It is an ongoing issue. When I was a Deputy from 2000 to 2007, we believed that we were approaching circumstances in which this matter would be dealt with but - I am not being political - it seems to have been forgotten over the past decade. Recent flooding has focused minds on the issue again. The Minister of State might give some indication of the timeline. I appreciate the efforts he is making. I thank Cork County Council and its staff. There is a lot of goodwill to resolve this issue, and that goodwill and the impetus should be maintained. If we lie back on the oars again, we could face terrible damage.

**Deputy Patrick O'Donovan:** I thank the Senator. I have a meeting with Cork County Council arranged for tomorrow. I will be meeting the engineering staff regarding what happened not only last August but also, coincidentally, last week. We will be discussing Bantry, Bandon, Skibbereen, Clonakilty, Fermoy, Mallow and other towns with schemes in the pipeline, such as Midleton. The Senator's colleague Senator Dooley will know from places such as Clonlara that the OPW often receives objections to schemes from people who live many miles away. When the scheme comes to fruition in Bantry, we could receive objections from people in Wicklow, for instance. I hope that does not happen because a solution is needed for the people in Bantry who are looking out at Victorian culverts which in many cases have collapsed under the street and which cannot take the volume of water involved. The solution will have to be an engineered one. Trees will not hold back the water coming down from the hills around Bantry, and neither will they hold back the tide. A hard-engineered solution is needed. The OPW will build the infrastructure. We will require the support of the people of Bantry, which I know will be forthcoming. We hope the scheme will not be objected to but, I hesitate to say, it probably will be. As a result, I cannot give a timeframe for the works. We have the money and commitment, however, and we will have the support of Cork County Council. We will have the goodwill of the people of Bantry. I hope that the people who routinely object to schemes such

as those proposed for places like Bantry do not do so in this case because the people of Bantry deserve to have their town protected.

### **Covid-19 Pandemic Supports**

**Senator Timmy Dooley:** The Minister of State will be well aware of the level of devastation Covid has wreaked on the hospitality and tourism sector. Every little business in this sector has effectively been put on its knees. While there is recognition that the Government has supported the sector in so far as could so far, it is now recognised that more needs to be done.

In recent weeks, I have had conversations with Mr. Adrian Cummins of Restaurants Association of Ireland and Mr. Dermot Kelly of the Irish Hotels Federation. They made it very clear that their organisations had been holding on with their fingernails until business was to start again. The expectation was that we would be getting back to normal after Christmas but, with the restrictions continuing, the sector is now in a perilous state. The representative organisations have asked that the Government consider a number of proposals. First, the Covid restrictions support scheme, CRSS, percentage needs to be doubled from 10% of 2019 turnover to 20%. We have to remove the limit of €5,000 per week because it is eliminating all the bigger businesses, namely those with 58 bedrooms and more. The reality is that these businesses have very significant fixed costs, including rent. They still have to pay their rent because the landlords are not getting payment moratoriums from the banks. Insurance still has to be paid. Payments associated with service agreements for lifts and other infrastructural elements must still be made and utility bills must be paid.

The sector recognises that the employment wage subsidy scheme has been very helpful but many businesses have had to supplement the payments under the scheme considerably to retain staff even though there is no money coming in. The representative bodies would like to see it extended until the end of 2021, regardless of the restrictions.

There is genuine annoyance over the way the banks are treating customers. The reality is that while the banks are indicating there is the potential for moratoriums, they are not giving them. Approximately 87% of those who have been surveyed indicated a willingness or a need for moratoriums yet only in the region of 45% are getting them. That is not good enough. In Denmark, France, Belgium and Germany, when restrictions are at level 5, as is the case here, the authorities have forced the banks to provide for moratoriums.

There is a recognition that VAT at 9% is good for the sector. This reduction needs to be extended until 2025 because it is the only way that these businesses will be able to continue to trade in light of the extended restrictions.

There is also a recognition that there is a considerable amount of money that the State collects through the utility companies. So what the organisations are looking for is a 70% rebate of the pass-through charges that the Government levies on the utility companies. It would not hurt the Government to do this but it would make a significant differences to these businesses. Of course, there needs to be an extension of the rates waiver.

Most of all, what we also need to do is look to schemes that will help some of the smaller businesses that have received no supports to date. I think of a pony trekking business in Domoland that is run by Sean Kilkenny and his family in this regard. Mr. Kilkenny has had

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no support whatsoever from the State but he has managed to feed his 40 horses and pay farrier costs and tried to pay insurance costs and the cover required to keep his vehicles going. He is now under enormous pressure and financial constraint. The State is going to have to be more imaginative in finding appropriate solutions for smaller businesses that fall outside the myriad schemes already in place. I appeal to the Minister of State, with his considerable experience in services to his local community, to look consider this matter.

I understand that Fáilte Ireland has €7 million left over from last year from the adaption grant and intends to spend it in eight major locations around the country. I understand that there is nothing coming to Ennis in my county. This is a town that has suffered hugely. It will continue to suffer in terms of its hospitality and tourism sector because if we have a summer holiday period this year, much of the activity will happen on the coast. We need to look after our county towns.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Robert Troy):** This is a very important subject because tourism is a vital indigenous economic sector. In 2019, before the pandemic had wrought its effects on society, tourism was worth more than €9 billion to our economy through visits from overseas tourists and the fares they generated and domestic tourism. It supported 260,000 jobs throughout the country. Tourism is a unique sector in that it supports jobs in remote rural areas and bustling city centres. Nevertheless, it is a fact that it is particularly important for many areas across the regions that do not have many, or any, alternative options for employment and income. Since the advent of Covid-19 and the consequential and necessary public health measures, many of these jobs have been lost or are surviving with State support and income from the sector is a fraction of what it was in 2019.

Helping our tourism sector to survive and be in a position to recover when the circumstances allow is a key issue for the Government. An industry-led tourism recovery task force presented the Tourism Recovery Plan 2020-2023 to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, on 30 September 2020. The plan contains a number of recommendations to help tourism businesses to survive, stabilise and recover from the pandemic. It has been a hugely helpful input for the Minister and her colleagues in Government in identifying appropriate measures to assist the sector both to survive the pandemic and subsequently recover.

Good progress has been made in introducing the following tourism-specific measures. There was a record level of funding allocated to tourism overall this year, which is an increase of €59 million on the 2020 allocation. Based on this allocation, a €55 million business continuity scheme was launched on 1 February by Fáilte Ireland to help strategic tourism business survive the pandemic and drive recovery. The scheme will contribute to the fixed costs of identified tourism businesses that are not eligible for the CRSS to support their survival. It will provide an equitable level of payment to CRSS for qualifying businesses and the first phase that was launched on 1 February will cover businesses such as tourism attractions, activity providers and caravan and camping sites. Two separate funds of €10 million each were introduced for coach tourism operators and the Ireland-based inbound agents business continuity scheme in the last quarter of 2020 with €8 million made available under the restart grant for bed and breakfasts. Funding of €5 million has been provided for upskilling training and to improve digital presence, along with a €26 million adaptation fund for the tourism sector to adapt premises to meet Covid-19 safety requirements. As well as these direct supports, the VAT rate for the sector was reduced to 9% to help improve competitiveness and business viability. This week the Covid-19

business aid scheme, CBAS, will be launched. That is for businesses locked out of the CRSS payment.

Survival is the first part of the Government's response for tourism. Recovery must come next and we will continue to keep all options open to support the recovery. A recovery oversight group has been appointed to oversee the implementation of the recovery plan. It presented its first report to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, two weeks ago. Its findings were taken on board as part of finalising the path ahead for our new Covid-19 plan. The group will continue to report as the situation evolves and the Minister will continue to engage with the stakeholders to ensure she is fully apprised of the challenges they face. This engagement will continue next week when the hospitality and tourism forum will meet again. It will be co-chaired by the Minister, Deputy Catherine Martin, and the Tánaiste and Minister for Enterprise, Trade and Employment.

The Government is fully aware of the significant challenges facing both the tourism and hospitality sectors. We will continue to work to ensure the sector emerges from the pandemic and shows the resilience it has in the past to recover in a meaningful and sustainable way.

**Senator Timmy Dooley:** I welcome the Minister of State's comprehensive response.

What really gets me, however, is the carry-on of the banks. The announcement today by Bank of Ireland that it is closing over 100 branches across the State - three in Clare in the towns of Tulla, Kilkee and Milltown Malbay - is an appalling kick in the teeth to the people in those communities who stood behind the bank when the State bailed it out to protect our banking system. That is the reward these communities are now getting from the upper echelons of Bank of Ireland. These communities stood behind that bank when it needed support. Now it is turning its back, using the reduction in footfall as an excuse. People cannot go to the banks because they are not able to travel and have been told to stay at home except for essential purposes. It is hardly a surprise that the numbers going through the doors of the banks have reduced.

We are trying to tell everybody that we will get beyond the pandemic and the other side of Covid, allowing people to be free to move around again. Before we get the restrictions lifted and before we get to the other side of Covid, the bigwigs in the boardroom of the Bank of Ireland have decided to pull the shutters down in Tulla, Kilkee and Milltown Malbay. It is wrong and it needs to be challenged by the Government.

**Deputy Robert Troy:** I take the Senator's point on the banking announcement this morning. I was also disappointed to read the news about branch closures in my constituency. I will certainly raise these points with the Minister for Finance, Deputy Donohoe.

The Government is working with the tourism sector. The Senator referred to key representative bodies which have been working hard and keeping in regular contact with the Government giving suggestions on what is needed to support the sector. Last Friday, I met with the Tánaiste and Minister for Enterprise, Trade and Employment, the Minister of State, Deputy Fleming, and Insurance Ireland on the issue of business interruption insurance. Insurance companies are now paying out on legitimate business interruption claims. From my experience locally, that has not always been the case, however. If Senator Dooley is aware of a legitimate claim that is not being paid, he should let us know because we want to feed that into our discussions with the insurance industry. Work is ongoing and a stakeholders forum has been established. The key stakeholders are working with the relevant Ministers, namely, the Minister, Deputy Catherine

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Martin, who has apologised that she could not be here today and the Tánaiste. The Government is acutely aware of the importance of these sectors and is determined to support them as best it can, until we get to a situation where they can operate more fully again.

### **Local Enterprise Offices**

**Senator Victor Boyhan:** One of the drawbacks of speaking last is that one runs out of time and nobody remains to listen. As they say, that is politics. They will say that they are in their offices.

First and foremost, I welcome the fact that it is local enterprise week. It is a very positive time for businesses. I also wish to acknowledge the 31 local enterprise offices, LEOs, across the 31 local authorities that do enormous work on enterprise. The LEOs are very positive in respect of promoting entrepreneurship, fostering business, encouraging start-ups, assisting microbusinesses, medium businesses and small enterprises. It is most important work. I believe that the local enterprise offices have been in place for approximately 14 years, certainly a good number of years, during which time they have gone from strength to strength, which is positive. LEOs provide advice and information and support local business start-ups. They help to increase job potential in all communities, as well as developing and supporting existing businesses. That is also positive. LEOs support businesses and innovation in order to develop, expand and further develop their markets. That is another important aspect.

Speaking of LEOs, I had thought that I would be speaking to Leo, that is, the Tánaiste today, who is ultimately the Minister with responsibility for this area but I do understand that he is attending an online link-up as part of the promotion of local enterprise week. I wish the Tánaiste and his Department well with those link-ups today. They are an important aspect of his work and Ministry. I am particularly pleased that he is engaging online with new and young entrepreneurs this morning, as local enterprise week is launched.

This Commencement matter concerns microenterprise, and the important aspects of developing small to medium enterprises that have a green agenda. It is possible to have sustainable industry, business and development, while also having profitable business, development and enterprises. The task for all of us is to deliver that synergy, fusion and merging, not of conflict, but the merging of those important competing and compatible interests. First, I would like to hear more about the pilot schemes. It will be important that those pilot schemes are put in place right across the country and not just in the south east. I am aware that there are some operating in the midlands, as well as other parts of the country.

I will finish by stating that green entrepreneurship has the potential to be a catalyst for positive change. That synergy of sustainability and profitability is extremely important. There is a new generation of environmentally-conscious people who want to see business done in a different and sustainable way. As someone from a rural constituency himself, the Minister of State will be aware of the importance of agri-enterprise and artisan food enterprise, and the synergy that can be achieved between sustainability and profitability. I will leave it at that. At some point in the future, the Tánaiste should come to the House to discuss this issue. He made many pronouncements last week about the startling unemployment figures. We must start again, in many places, in respect of building new jobs. I would appreciate it if the Tánaiste could organise and schedule himself to come to the Seanad to debate the issue of enterprise.

**Deputy Robert Troy:** First, the Tánaiste sends his apologies to the House. He is attending a virtual event this morning as part of local enterprise week. I attended a virtual event this morning with the LEO in Donegal, “Spring Back, Step Forward”, which focused on building resilience in the companies it supports.

It is an opportune time for the Senator to raise this issue this morning. The local enterprise week is a huge opportunity for small and microenterprises to learn about the variety of programmes and initiatives that are there for them, many of which are targeted at helping companies to respond and adjust their business models as a result of the twin challenges of Covid-19 and the post-Brexit environment, as well as the global challenge of climate change. Over the next week or so local enterprise offices will host more than 200 online learning and networking events for SMEs. The “making it happen” theme focusses on key areas for small business survival, recovery, growth and opportunity. Common themes include diversification, sustainability, resilience, the green economy, competitiveness, internationalisation and digitalisation.

I am pleased to report the LEO’s “green for micro” initiative is being extended nationwide and was officially launched today to mark the start of local enterprise week. It is now a mainstream programme which is being rolled out by the LEO network nationwide and will provide small businesses with tailored expert advice on how to drive sustainability in their operations.

Sustainability is often quite a theoretical concept and many small businesses simply do not know where to start. Therefore, under this initiative, qualifying enterprises will access two days of intensive mentoring, including a sustainability audit and action plan, designed to help green the business and practical guidance on how to make businesses more sustainable. It does not just make sense from an environmental perspective, it also makes business sense. The primary objective of the green for micro programme is to help prepare small businesses for the low carbon, more resource efficient economy of the future. The programme is free to participants and is available to companies with up to ten employees, as is generally the case with LEO programmes.

Greening the economy and climate change actions give rise to economic opportunities while posing cost and other challenges for business. Many businesses will require support to make investments to decarbonise as the level of regulation increases. This programme is making a contribution towards those aims. Our enterprise agencies have integrated these objectives into their strategies and programmes. IDA Ireland has used its new strategy for 2020 to 2024 to integrate decarbonisation objectives fully across its clients and other relevant stakeholders. Enterprise Ireland will expand its green start, green plus and environmental aid programmes to a larger cohort of its clients and will have an increased emphasis on decarbonisation. Enterprise Ireland is also working towards the launch of a €10 million green enterprise fund in the coming weeks. My Department is also developing a one-stop shop online tool which will help inform and guide SMEs which wish to begin their decarbonisation journey, calculate their carbon footprint and access information on the Government programmes to assist them. This is due to be launched next July.

**Senator Victor Boyhan:** I thank the Minister of State and welcome today’s announcement that the green for micro scheme will be extended around the country. Green ventures at community level should be promoted in line with sustainable development. The old proverb comes to mind that great oak trees from little acorns grow. That is true. Great enterprise starts with simple thoughts and loads of enthusiasm and energy. We must continuously and imaginatively support small enterprises in our communities for there lies the future in terms of sustainable

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rural Ireland and in terms of jobs and the economy in towns and villages.

**Deputy Robert Troy:** Responding to climate change can seem like an enormous, insurmountable challenge. However, like any business response, it begins with breaking it down into small actionable steps. The programme for Government commits to a 7% average yearly reduction in the overall greenhouse gas emissions over the next decade combined with the Climate Action and Low Carbon Development (Amendment) Bill which commits us in law to move to a climate resilient and climate neutral economy by 2050. We are determined and we are working towards this. This is a step to help our small and microbusinesses on their journey as they move towards a more green operation.

The Government is very supportive of small and microbusiness. We established the SME task force, made up of key stakeholders from a Government or State perspective, people who have made and created jobs, captains of industry and entrepreneurs. There are now objectives the Government is prioritising and working through with the implementation group to ensure small businesses have the support they require. I agree wholeheartedly with Senator Boyhan that we need these small indigenous businesses in urban and rural areas throughout the country to support much-needed jobs. As a Minister of State in the Department, I am determined to ensure the right policies are there to support our small and microenterprises.

**Acting Chairperson (Senator Fiona O'Loughlin):** I thank the Minister of State. We are ending on a positive note.

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

### **An tOrd Gnó - Order of Business**

**An Cathaoirleach:** I note that all the other Members present are female. I welcome everyone. *Chestit praznik* means “happy holidays” in Bulgarian and 3 March marks the international date for the re-establishment of Bulgarian statehood from the Ottoman Empire in 1878. Last year marked the 30th anniversary of the establishment of diplomatic relations between Ireland and Bulgaria. Last year also marked the 100th anniversary of the death of the most famous Irishman in Bulgaria, Mr. James Bouchier from Bruff in County Limerick, who was a champion of Bulgarian national interests. He led its delegation to the negotiations on the Treaty of Versailles in 1919. Along with his Irish counterpart, Mr. Seán T. O’Kelly, he was unsuccessful in his endeavours. In honour of his efforts, the country named a boulevard and metro station after him. It even issued a series of stamps in honour of this Irishman. On behalf of the Seanad, I wish a happy liberation day to the people of Bulgaria, their ambassador, H.E. Mrs. Gergana Karadjova, and all the Bulgarians living in Ireland. We wish them a happy liberation day. *Chestit praznik*. I call the Leader, in her best Bulgarian please.

**Senator Regina Doherty:** The Order of Business is No. 1, Health (Amendment) Bill 2021 - all Stages, with Second Stage to be taken at 1.30 p.m. and brought to a conclusion after one hour and 15 minutes, the opening contribution of the Minister not to exceed ten minutes, contributions of Senators not to exceed five minutes, and the Minister to be given not less than five minutes to reply to the debate and Committee and Remaining Stages to be taken immediately thereafter and brought to a conclusion after one hour by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by the Government; No. 2, statements on the detention of Mr. Richard O’Halloran in China, to be

taken at 4 p.m., or 15 minutes after the conclusion of No. 1, and to conclude after 45 minutes, with the Minister's opening statement not to exceed five minutes, the contributions of Senators not to exceed five minutes and the Minister to be given not less than five minutes to reply to the debate; and No. 3, the Children (Amendment) Bill 2020 - Committee Stage, to be taken at 5 p.m., or 15 minutes after the conclusion of No. 2, and to adjourn at 6.45 p.m, if not previously concluded.

**Senator Lisa Chambers:** Today marks the beginning of endometriosis awareness month. This is a month-long campaign in which we highlight and draw attention to the challenges faced by one in ten Irish women and one in ten women globally who experience this chronic disease. Endometriosis is a condition where tissue similar to the lining of the womb grows around the womb and the vital organs in that area, causing many difficulties for women. As I said, it affects one in ten women and there is no cure. The symptoms include chronic pain, chronic fatigue, pain during sex, fertility issues, heavy bleeding, irritable bowel syndrome, IBS, severe impact on quality of life and impacts on mental health, with many women reporting suicidal tendencies. It is a severely debilitating disease and I reiterate that one in ten Irish women have it.

The problem is that it takes, on average, between seven and 12 years to get a diagnosis in this country. Diagnosis takes so long because the condition is often misdiagnosed or under-diagnosed, with many women reporting that they have been told repeatedly that the problem is all in their head, is a normal part of menstruation or related to anxiety, stress or mental health. Many of these women have been prescribed mental health medication rather than being properly tested.

The only way to diagnose endometriosis properly is through a laparoscopy procedure. Women must often push and fight to get this very simple and basic diagnostic treatment. Ultrasound will not detect endometriosis. There are no clinical guidelines for GPs on this. Many GPs do not know or recognise the symptoms and signs of endometriosis in women, which leads to it taking many years to making a diagnosis. The longer the disease is left unchecked and unmonitored, the more damage it does internally.

We also need education for young girls in this country. Women should know, from a young age, what is a normal period and which pain is normal and which is not normal. They should not have to miss days from school or be bedridden every month because of this condition but that is what happens to many women here.

Endometriosis has varying degrees of severity, ranging from stage 1, the mildest level, to stage 4, the most severe level. The symptoms I outlined are among the main symptoms but every woman is different and has a different experience.

What action is needed now? We need to reduce the diagnosis time to a maximum of one or two years. We need to have a clear clinical pathway for treatment. When they finally get their much-needed diagnosis, many women are simply left to their own devices with no access to proper consultative care or after-care. We need clinical guidelines for GPs in order that they can detect and diagnose the disease early on. We need proper menstrual education for young women in schools. We need wraparound services in pain management and mental health services. We also need training and increased specialisation to provide the proper, gold-plated standard of excision surgery as opposed to ablation. I commend the hard work of the Endometriosis Association of Ireland, which is a voluntary association working with little resources and funding to highlight this. I ask that colleagues would share on their social media that it is the beginning

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of endometriosis awareness month and that we must take action to address the clear deficit in women's healthcare for this disease.

**Senator Victor Boyhan:** This week is also local enterprise week. On the local level, I know the Tánaiste and Minister for Enterprise, Trade and Employment is undertaking a number of online engagements with the local enterprise offices, LEOs. Excuse the play on the term but I am talking about the LEOs as opposed to Leo. I welcome that engagement. I had a Commencement matter on this issue this morning, specifically on the green for micro scheme. On behalf of the Tánaiste, the Minister of State, Deputy Troy, confirmed that as of today there is to be an announcement that this pilot scheme will be extended throughout the country. That is good and timely news for the 31 local authorities and it is timely that it should come at the beginning of local enterprise week.

I acknowledge the work of the LEOs. They do an amazing job in encouraging enterprise and supporting start-ups, but more importantly, they support people who have had a fall, who get up again and who try again. That is a great entrepreneurial skill for people who fail in business, through no fault of their own in many cases. I acknowledge it is local enterprise week. I thank the workers on the ground in the LEOs across the 31 councils because it is important. The old proverb about great oaks from little acorns is very true and is applicable to enterprise. Also, great enterprise happens when people have small thoughts and little ideas and they are courageous, ambitious and determined to get them over the line. We need to support those people.

I had the opportunity to look at the Tánaiste's Twitter account the other day, something I do not do often because I do not really engage much in social media. I was struck by an apt entry which said:

Today's jobs numbers lay bare the devastating impact the pandemic has had on the economy & employment. Over 400k jobs have been lost & a quarter of our labour force is now unemployed.

In the next entry on his Twitter account he says, "A new National Economic Plan will be put in place to ensure we return to full employment no later than 2023." It is important that the Tánaiste and Minister for Enterprise, Trade and Employment acknowledges all of those issues and it is great that he does so. He has a great way of being concise in his messaging and he has hit the button with those tweets. I would ask if we could have the Tánaiste and Minister for Enterprise, Trade and Employment come into the House at some stage to address those challenges because they are enormous, particularly in light of Covid.

I take this opportunity, which many politicians do not do but which I want to, of acknowledging the untimely death and sad passing of Fr. Enda McDonagh, a theologian and a remarkable man. He was the private chaplain to former President Mary Robinson, which many people would not know. He had no conflict between that work and his other work. His work on ecumenism and peace was amazing. He was an outstanding man who managed to stay in St. Patrick's College, Maynooth for many years. He turned down preferment and promotion. It is a measure of the man that he was made an honorary canon of St. Patrick's Cathedral, the national cathedral of the Church of Ireland, based in Dublin. That is important. I suggest that anyone who is interested in knowing more about this man would have a read of the obituaries column in Saturday's edition of *The Irish Times*. It was a moving and extensive piece about his work for Ireland.

**Senator Annie Hoey:** I propose an amendment to the Order of Business, that No. 6 be taken and put on the Order Paper. This is a Labour Party Bill, the Planning and Development (Amendment) Bill 2021, which bans the conversion of purpose-built student accommodation into tourist or short-term visitor lets.

I want to raise my concerns about the news that came out this morning of the students who did not get vaccinated at the Coombe hospital. Thirty-nine students were on standby to get vaccines but instead, vaccines were given to 16 relatives of staff. That means that medical students, who are working with women, people who are pregnant, maternity services and vulnerable people, were passed over for a Covid-19 vaccine on the night those vaccines were given to 16 family members of staff. Two days after his own children were vaccinated, the master of the Coombe told senior colleagues that the hospital was not in a position to vaccinate the students. I am sure everyone here was appalled to hear it. We do not want to keep digging over past things, but it was incredible that it was allowed to happen and that we had medical students who were passed over for getting a vaccine in favour of family members. I particularly commend the staff member who came out and told this story, but I am sure everyone will agree that this is appalling.

I also want to briefly reflect on the violence in Dublin over the weekend and the horrifying scenes on Grafton Street, which I am sure all Members saw online. It is important that we make no bones about it. The far right is mobilising in Ireland. The far right has been mobilising for quite some time in Ireland and it is easy to look the other way. They are certainly taking advantage of the disquiet and the unhappiness of people. There is a right breeding ground at present and that should be of great concern to anyone in this room. I am not willing to proffer too many excuses for how and why people become radicalised. We know all the reasons behind it. It happens and the question is, what are we going to do about it?

I suppose we need to look as well to our European counterparts. We need to look at who some of our European parties are sharing groupings with in Europe and what is happening in their own countries. We need to examine some of the far-right extremism that is happening across Europe and how we engage with those groups in Europe. I ask for that reflection again. It has come into this House previously around some of the European parties and who the groupings are shared with.

We need to get serious about this in Ireland. It will not go away. People are very angry and people are very upset. When people are very angry and upset, it is easy for people to pray on those vulnerable feelings. I put it to the Leader of the House that maybe we need to have - a debate is not the right word because it is not a debate - clear actions about what we are going to do and clear plans for deradicalisation programmes because that is where we are going now in Ireland.

**Senator Róisín Garvey:** Seo tús Seachtain na Gaeilge agus má tá aon deis ag Seanadóirí ar chor ar bith, ba chóir dóibh an Ghaeilge a úsáid. Is teanga iontach í. Tá sí i bhfad níos deise ná aon teanga a d'fhoghlaim mise riamh agus tá go leor teangacha agam. Ba chóir dóibh a ndícheall a dhéanamh agus dul ar shuíomh idirlín Seachtain na Gaeilge, nó ar Duolingo muna bhfuil sé acu, agus a bheith ag foghlaim an Ghaeilge álainn. It is the first day of Seachtain na Gaeilge. We actually have two weeks of it - coicís. I would encourage all Senators to use their cúpla focal. If a Senator does not have a cúpla focal, he or she should go onto Seachtain na Gaeilge - the website - and learn a few phrases, or perhaps go onto Duolingo. I have several friends who, even though they learned Irish in school, forgot it all but they have gone onto

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Duolingo and have turned themselves into Irish speakers again. Let us embrace our beautiful language. It is stunning. There are so many things we can say in Irish that I cannot even tell you how to say in English they are so amazing. We have 50 ways to say, “love”. We have 32 ways to say, “field”. Let us fall back in love with our Irish language this week.

It is local enterprise week. The local enterprise offices, LEOs, have been working ridiculously hard since the beginning of Covid and they have given such great funding. I am a big advocate of small businesses. What I have seen is that the local enterprise offices have really helped small businesses get online. I often see that small businesses have great ideas but their public relations, PR, might not be the best. They might have a great product or a great idea, but their PR is lacking. I would encourage such businesses to go to the LEOs and get help with that because currently business is happening online more than anywhere else. The LEOs gave considerable grants and nearly everybody I know with a small business got online. To that end, I would remind people it is local enterprise week. If one is to support enterprises, go online and support one’s local enterprises this week. I commend the LEOs for all the work they have been doing.

I want to acknowledge that it is the anniversary of the recognition of Traveller ethnicity. It was today two years ago that we recognised Travellers as an ethnic minority. That is really important. I worked in a Traveller training centre 21 years ago and I was constantly in rooms full of white settled people discussing how we were going to solve all the Traveller problems. I was at a meeting two weeks ago with several white settled people in a room discussing how we were going to sort out the Traveller accommodation problem. Perhaps it is time that we stop talking about these groups and instead ensure when we are trying to solve problems that we have representatives of them in the rooms for such talks. It is high time for us to move past thinking that we can solve problems for other groups and people without actually listening to them and hearing what they have to say. We have not progressed in any way in the last 20 years in how we deal with Travellers and their demands and needs, except that we are probably recognising their culture somewhat more. I see some movement now in recognising amazing craftwork, coppersmithing and things like that. We need to recognise them and progress beyond talking about them.

**An Cathaoirleach:** We are fortunate to have a representative of that community in this House. On Senator Garvey’s comments on the Irish language, I will be circulating ten phrases that could be used in the Chamber during Seachtain na Gaeilge. They will not be too taxing or very technical. As this is Seachtain na Gaeilge and we are approaching St. Patrick’s Day, it would be appropriate if they could be used. Gabhaim buíochas leis an Seanadóir Garvey agus glaoim ar an Seanadóir Ó Donnghaile.

**Senator Niall Ó Donnghaile:** We will not be too taxing on the Cathaoirleach this year but, if God spares us, next year we will be putting him to the test.

Mar atá ráite ag an Seanadóir Garvey cheana féin, is cúis cheiliúrtha go bhfuil tús curtha cheana féin le Seachtain na Gaeilge. Mar atá an cás le roinnt imeachtaí eile, is mór an trua go bhfuil na srianta i bhfeidhm agus nach féidir linn í a cheiliúradh ar an dóigh thraidisiúnta agus a dhéanaimid é den chuid is mó den am. Mar atá ráite ag comhghleacaithe cheana féin, má tá Gaeilge nó má ta píosa beag Gaeilge ag duine, ba cheart dó nó di úsáid a bhaint aisti. Má tá duine ag iarraidh an Ghaeilge a fhoghlaim, níl le déanamh ach ceist a chur ar na Seanadóirí Garvey nó Clifford Lee, nó orm féin, agus déanfaimid ár ndícheall cuidiú leis an duine sin.

Like Senator Hoey, I extend my solidarity to the members of An Garda who were injured on the streets of Dublin at the weekend and indeed to all front-line workers who face intimidation and bullying tactics by those who have appeared on the streets under the guise of being anti-science, anti-vaccination and anti-mask. Given the limited time afforded to me this morning, I do not want to get into all of the detail of the weekend and indeed into some of the worrying and troubling public remarks that were made about the events on Saturday and who was responsible and behind them. I agree with Senator Hoey that this is a reminder that we all have a responsibility and a role, not least as political leaders. No matter where we are or where we reside in society, we must face down the hard right when it presents itself on the streets, in the European Parliament or elsewhere. This is an important point to remember. I hope it is one that we can collectively agree to return to and, more importantly, to address going forward.

I also want to touch on the poll and the research released by *votingrights.ie*, indicating that 56% of respondents are in favour of extending voting rights in presidential elections to citizens in the North. There is also a majority in favour of extending such rights to our diaspora. It would be timely, as we approach St. Patrick's Day when we traditionally engage with our global diaspora, that we would have an opportunity to hear from our diaspora about the Government's plans as we come out of this pandemic and about how we should engage with the diaspora in the changed reality that we face as a result of the pandemic.

To conclude, I am disappointed with the time allocated to the Health (Amendment) Bill 2021 in today's Order of Business. I have raised these concerns before and I appreciate that the Leader has done her best in trying to allocate and set aside appropriate time. Given the circumstances and nature of this Bill, just two hours and 15 minutes for all Stages does a disservice to this House and to our work as legislators and parliamentarians. Legislation of such importance should not be rushed through in such a tight window.

**An Cathaoirleach:** Gabhaim buíochas leis an Seanadóir and I now call on Senator Flynn.

**Senator Eileen Flynn:** I thank the Cathaoirleach and wish also to thank my colleague, Senator Ruane, for giving me her time slot today. Today marks the fourth anniversary of the recognition of Travellers in Ireland as an ethnic minority group, after decades of being denied our Traveller ethnicity. The then Taoiseach, Enda Kenny, stood up in this very Chamber on 1 March 2017. He made a lovely statement which went down in history and went on the on record. However, we are not legally recognised as an ethnic minority group in Ireland. The fact that we are an ethnic minority group is not on a single legal paper. There is a lot of legislation and policy that needs to be changed for the Traveller community to be valued in Ireland as an indigenous ethnic minority group of people. The first step forward was taken in March 2017 but we have not taken the next step. We have not taken the second, third or fourth steps. Four years on, we need to change policy and the legislation and to look at the Traveller Culture and History in Education Bill. We need hate crime legislation, we need to develop and implement a national Traveller mental health strategy, which was included in the programme for Government last June, and we need to make sure the Traveller language is supported and celebrated as well as our musical traditions. People in my community are very musical and this needs to be shared. Our arts and our language need to be shared. Our community is part of this nation's identity because we are an indigenous group of people within it.

I could stand here and say we have come a long way with policies and NGOs. The likes of the Irish Traveller Movement and Pavee Point have been working for many years to get Travellers recognised as an ethnic minority group in Ireland. If I were to speak to Travellers in Ireland

and ask them how they feel since receiving recognition they would say, and I know this from my own experience, that it was just a token recognition for the sake of being recognised. I call on Members of both Houses to support the Traveller community, NGOs and me, as a professional in this House, to bring that recognition to light. Let us all take the next steps together to celebrate and value the Traveller community. We are a different ethnic minority group but we need to celebrate each other's differences. While we may be different, we should be treated as having equal value and equal worth in Ireland. I wanted to note that today.

**An Cathaoirleach:** I thank the Senator for marking that important anniversary and outlining the steps still required to be taken to fulfil the pledge in the Dáil declaration four years ago.

**Senator Robbie Gallagher:** I had the pleasure of tuning in to Katie Hannon's programme on RTÉ Radio 1 on Saturday afternoon in which she had Professor Brian MacCraith, chair of the high level task force on Covid vaccinations, as a guest. He is a highly intelligent and unassuming individual. He has a gift that when he talks one tends to listen to what he has to say. He outlined the timetable for the vaccination roll-out in the country. I found it to be a very positive listening experience. He outlined how the HSE built the infrastructure to deliver the vaccine once it gets the supply. The prediction that 82% of the population will be vaccinated by the end of June is very encouraging. We need only see the images on our television screens and listen to testimonies on our local radio stations to be aware of the positivity of those who have been fortunate enough to get the vaccine, particularly the over 85s group. The smiles and hope that have been put back on their faces is very uplifting.

The EU has a number of questions to answer. The first one is in regard to the slow roll-out of the vaccine. I listened with interest to developments. In Europe we have the European Medicines Agency, EMA, and in the US, there is an equivalent body, the Food and Drug Administration, FDA, which looks at all the data and clinical trials and assesses vaccines so that they can be rolled out to the broader community. I was disappointed to learn that the European Medicines Agency, EMA, will only consider the data for the Johnson & Johnson vaccine in the middle of March and we will not have it until the middle or end of April. It is a one shot vaccine which is a game changer. The Food and Drug Administration, FDA, in America signed off on it last weekend. We have been looking in envy at the UK's vaccination programme. It had a head start because the authorities there signed off on the vaccines, for example, the Oxford vaccine, much more quickly. I would like us to use the World Health Organization, WHO, as a body that would act on behalf of all the world's citizens, so we could have one group sign off on these vaccines rather than have everyone doing their own thing.

**Senator Seán Kyne:** Bhí mé ag éisteacht ar maidin le Príomhfheidhmeannach Bhanc na hÉireann faoin gcinneadh atá déanta acu craobhacha bainc a dhúnadh trasna na tíre agus i nGaillimh ina measc - in Uachtar Ard, i mBaile Átha Ghártha agus i nDún Mór. This morning I listened to the CEO of Bank of Ireland, Francesca McDonagh, talking about bank closures and the decision by Bank of Ireland to close a number of branches across the country, including in Oughterard, Ballygar and Dunmore in Galway. I regret that this is happening but welcome there will be no compulsory redundancies as part of the rationalisation. I also welcome the commitment to enhance services or provide additional services through An Post.

This follows the recent decision by Ulster Bank to exit the Irish market. We need to equip, encourage and enable An Post and credit unions to enhance their financial services. Both An Post and credit unions should be going beyond basic financial services. The retreat of traditional banks is an opportunity for trusted organisations like An Post and credit unions to provide

day-to-day financial products and services. They are in so many of our communities and they have been reaching out and helping households that banks have not. I refer, for example, to the micro loan scheme which is why, thankfully, we do not see a massive growth in pay day lenders.

An Post is already showing innovation and flexibility via its green hub initiative. It is not only helping people access finance for home retrofit and energy upgrades but supporting householders with various grant schemes. This morning there was a queue outside the door of a credit union branch in Galway, with four cashiers working in it. People like credit unions. They support local groups and charities and any profits are shared with the community. A major rationalisation in credit unions has led to stronger institutions now providing mortgages and credit cards.

Unlike bank branches, the need for financial services will not disappear. Credit unions and An Post can fill the gap banks are creating using their local network and knowledge of communities. I am aware that a debate with the Minister for Finance, Deputy Donohoe, has been requested. Perhaps we could include the issue of An Post and credit unions and what they can do for our local regions in the absence of bank branches.

**Senator Michael McDowell:** Ba mhaith liom, ar dtús, aontú go hiomlán leis an méid a bhí á rá ag an Seanadóir Boyhan i dtaobh an tUrramach Enda McDonagh. Maidir le Riar na hOibre, go ginearálta, táimse i gcoinne aon rún chun Bille ar bith a phlé agus gach Céim le chéile ar ócáid shingil ach ba mhaith a admháil go bhfuil staid éigeandála againn i dtaobh víreas Covid-19. Chuala mé ar an raidió ar maidin go bhfuil saghas nua den víreas tar éis teacht isteach sa Bhreatain ó Mhannas sa Bhrasaíl. Sílim mar sin gur cheart an dlí nua a chur i bhfeidhm chomh tapa agus is féidir. Mar sin, níl sé ar intinn agam vótáil i dtaobh Riar na hOibre inniu.

**Senator Lorraine Clifford-Lee:** I congratulate the Minister, Deputy Norma Foley, the boards of management, principals, teachers and all the parents who successfully returned the first cohort of children to school this morning. There was a very happy little girl in our house today who literally skipped in the door to school. I appeal to everybody to be mindful of what we have achieved in getting our children back to school and to make sure we all adhere to the rules, so those children who have returned today can stay in school and children who have yet to return can do so, and that we have no play dates or gatherings of people outside of what is permitted.

I raise an issue already raised by the leader of the Fianna Fáil group, namely, endometriosis awareness month in March. Senator Chambers very eloquently outlined the situation in this country and worldwide with endometriosis. It affects one in ten women which is a phenomenal figure. If we had any other condition affecting one in ten men or women, we would deal with it a lot better. Many women suffer in silence for years and their pain is fobbed off by medical professionals, and that is even when they go to seek help. Due to the stigma and silence around female reproductive health many women wait for years before they get any medical attention. We need to have awareness around what a normal period is. I raised this during the Second Stage debate on my free period products Bill a number of weeks ago. Menstrual education is of paramount importance in this country. We also have to invest in female reproductive health medicine which has been sorely lacking over a number of years.

I will touch on Seachtain na Gaeilge as raised my friends and colleagues, Senators Ó Donnghaile and Garvey. I commend Conradh na Gaeilge on its fantastic ard-fheis at the weekend. I also commend the Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht,

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Sport and Media, Deputy Jack Chambers, on moving so quickly on the Irish language Bill when he assumed office. It had been sitting there for a number of years and now we have significant progress on it. There is a serious issue in relation to the provision of second level Irish-medium education in this country. Only 6.7% of schools are Irish-medium secondary schools. I ask the Leader to facilitate a debate in the Chamber on Irish-medium second level education at some stage.

**Senator Emer Currie:** I condemn the protests and attacks on gardaí in the city centre at the weekend. As my colleagues said, it is devastating for front-line workers everywhere. I understand debate around approaches to Covid-19, which we have in this House. However, I do not understand how anyone can justify an erosion of trust in democracy or attack the media and gardaí as part of that. We need to call out this behaviour when we see it, including those who engage in double speak on it or are gaining from it.

I very much look forward to getting back to canvassing. I miss that one-to-one, door-to-door engagement with people. When we are not as visible in our communities and when people are so withdrawn, things fester. That one-on-one connection with people will help allay their fears.

As Senator Clifford-Lee mentioned, it is a happy day in that children are getting back to school. I dropped my two little ones off to school this morning and the special schools are 100% open. I know people will do their best to follow the guidelines. It will be tricky for the first few days, especially since first class finishes an hour later than junior and senior infants which means one is hanging around with children. People will have to get used to that but it will be tricky.

People will watch the positivity rates very closely but a cross-party message needs to go out that special schools and special classes will not close again. We have to find a way to work with special schools and special classes.

The Bank of Ireland closures are very upsetting for rural areas. If any of those 103 branches are in areas marked for growth within Project Ireland 2040, we should consider them for use as buildings for co-working hubs.

**Senator Mark Wall:** I second the amendment to our business proposed by my colleague, Senator Hoey. I wish to raise the recent RTÉ “Prime Time” programme, which aired last week and featured three men who were part of the so-called State boarding-out system. While the programme acknowledged that many of the children placed with foster families through the system had positive experiences, others were grossly exploited, badly fed and basically used as slave labour. My colleague and cathaoirleach of Athy Town Council at the time, municipal district councillor Aoife Breslin, has called for an inquiry into this questionable practice.

Over recent years, I have dealt with many of those who were forced through a system that left many of them traumatised and deeply scarred for life. Unfortunately, some of them have passed away. In conversations with them over the years, however, I was always struck by the photos they showed me of the places where they suffered, as if those photos were an eternal reminder to them of what this State had put them through and where they had suffered.

I have written to the Minister with responsibility for children seeking answers for those who were put through this system, many of whom came through the 27 county homes in the State, some of which still operated into the 1990s. Like my colleague, I believe the Minister needs

to urgently address another unforgivable episode in how we treated children in 20th century Ireland. I note the Minister said that these cases were considered by an interdepartmental group and he hopes a report will be published by April. However, many other questions are emerging about the county home system and I believe these will multiply in the coming weeks.

I also wish to raise the closures of 88 Bank of Ireland branches in the State. I listened to much commentary this morning about the reduction in customer numbers going through the branches. If a bank ever wanted to reduce customer contact then directing those loyal customers to use machines in a faceless branch was always going to reduce its customer interaction. That was the experience of many people over the last number of years. The loss of bank branches in Monasterevin, Kilcullen and Celbridge will hit those towns hard. Those branches have remained a focal point in those towns and were used by locals in pointing out that the towns had a future and could attract investment and opportunities. I ask that the Leader contact Bank of Ireland to pause these particular closures.

**Senator Erin McGreehan:** Like my fellow Senators, I want to raise the issue of endometriosis awareness month. I have made no secret in this House that I suffer terribly with endometriosis. It is absolutely infuriating to be ignored for so long by the medical profession and be told it is in one's head. When I got a diagnosis after an operation, I was asked on the operating table if I was sure I wanted to do this and was told they thought I was grand. It then came out that I had a stage 4 diagnosis after all the doubts and questions about whether it was in my head and if I was sure.

I am one of the lucky ones now. I have a diagnosis and know what is wrong with me. There is very little treatment one can get. I have an option of feeling pain and being in agony or to feel nothing at all. It seems like one can be completely put out of it so one does not feel anything, and one's mind is not one's own, or one can try to tolerate the pain. Therefore, every month, one has a different pain or niggle every single week of one's cycle. There should be more awareness of menstrual health to understand one's body. Not enough is spoken about how women's bodies should work and what is and is not normal. So much needs to be done on the lack of care for women who have endometriosis. Much has been done but a lot more is needed.

I also want to thank the teachers, parents and all the school community for getting back to school today. I had four very happy but nervous boys going out to school this morning. I want to make a special note, however, of those children with additional needs who are not back to school and need extra help and who need to be taken into consideration.

**Senator Paddy Burke:** I ask the Leader to arrange for a debate on the hospitality sector. This sector is a major employer and it is on its knees. It is big employer of students and part-time workers, a group of people who will not get or who do not want to work on a full-time basis. It is a great source of income for those people and for students going back to college year after year. The reason we need a debate is because some businesses will be reopening and others will not. They will not all open together because I presume the criteria that will be put in place will not allow small businesses, for instance, to open, which will be a huge disadvantage to them. We must ensure that people who will not be allowed to open their businesses and who have gone through trauma and hard times in the past 12 months will continue to get the pandemic unemployment payment and the other payments that are in place. It is very important that we have a debate on that matter at the earliest opportunity. We hope that some businesses will be reopening after Easter but I presume not all businesses will be doing so. We have to make sure that the payments for the ones that will not be reopening will continue into the future.

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I ask the Leader to arrange a debate on the matter

**Senator Paul Gavan:** The Leader will know that some months ago I spoke about the far right when the fascists were outside the gates of Leinster House. I feel the need to raise the issue again this morning in the wake of what happened on Saturday. This is personal to me because when I grew up in London in the 1970s and was part of an Irish community, whenever we came out to march for the Birmingham Six or the Guildford Four, we had to face down those the far right and then there they were on Grafton Street last Saturday. I want to send out the clear message that we need to take this threat seriously because those on the far right are a growing threat to our democracy. I want to be very clear that the narrative relating to talking to technology companies to fix this issue is nonsense. That is a middle-class narrative and it does not address the issue at all. We need to have real conversations in our communities and challenge this false narrative that the far right is spreading. In that respect, I commend the work of my union, SIPTU, and the trade union Unite, which have been engaging with communities against racism, particularly in north London, along with representatives in my party, to challenge this ideology of hatred, prejudice and poison that is attempting to raise itself within our communities.

As someone who speaks at the Council of Europe and who had the privilege of working there, when one sees what happens in Europe and when one hears these voices objecting to human rights for migrants, one sees the very real dangers. I am asking for consistency in that respect, not just regarding the Fidesz party and Fine Gael's relationship with it but also in the context of the People's Party in Spain, which is in active coalitions with the Vox party, also in Spain. Those in Fine Gael cannot live with that. They cannot say that they are against fascism at home but that it is okay if they have parliamentary colleagues abroad who are involved in it. We need to be 100% clear that it is absolutely wrong for any politician to ever stand on the same side as fascism. It is incumbent on all of us to unite to defeat this threat and to stand for progressive politics and against prejudice and hate.

**Senator Pat Casey:** I refer to the issue raised by a couple of speakers earlier, namely, the closure of 103 branches by Bank of Ireland. Regrettably, there are three branches in my county in Rathdrum, Tinahely and Carnew. My first thoughts go to the employees and their families. It does not matter how much one knows of what is coming down the road, it is still a shock when it is announced. In looking at this as an attack on rural Ireland and the impact of that, we must look at the consistent erosion of services in rural Ireland. Today, it is the closure of branches by Bank of Ireland. In the past 18 months there have been 159 post office closures. We have seen the withdrawal of Ulster Bank from rural Ireland. That is a complete erosion of the sustainable life within rural Ireland.

The nail in the coffin of rural Ireland is the national planning framework document. We are talking about financial services here today but under the latter, 38 small and large villages in Wicklow can only grow by 0.5 of a house every year. Our rural towns can only grow by 3.3 houses a year. How are we even going to sustain our schools, football clubs and communities? While, today, the focus is on financial institutions and the role they play in rural Ireland, the bigger debate that needs to happen is on the role of the national planning framework. What this House needs with the three relevant Ministers - the Minister for Finance, Deputy Paschal Donohoe, in regard to financial services to rural Ireland, the Minister for Rural and Community Development, Deputy Heather Humphreys, and the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien - is an open and frank debate on how we are going to sustain rural Ireland into the future. If that is the only level of population growth we can have in our rural towns and villages, it will not even sustain our schools, never mind any other activi-

ties. It needs to be looked at and it needs to be reversed.

**Senator Joe O'Reilly:** Aontaím go láidir gur chóir Seachtain na Gaeilge a cheiliúradh. Is é an tslí is fearr leis sin a dhéanamh ná iarracht a dhéanamh ár dteanga shaibhir dhúchais a úsáid eadrainn féin agus go poiblí. Chun tús a chur leis sin, ba mhaith liomsa na hionsaithe ar an nGarda a cháineadh go láidir.

I have been raising this issue and I assure the Leader I will keep raising it, and I know she has empathy on it too. There is mounting evidence that addiction to gambling is increasing through the lockdown. It is destroying lives, as I have gone through before. When will we have a gambling regulator? When will the gambling control Bill be before the House? When will we have preliminary statements in the House to set the scene for those developments and inform them?

I turn next to a question raised by an engineer in Monaghan, Enda O'Kane, on behalf of the diaspora in London. RTÉ LW 252 signal strength is not strong enough to service the Irish diaspora in London. A number of years ago, a campaign to retain the RTÉ LW 252 service was established and was successful. Older people do not cope with online services. In 2019, the service was disrupted for a short period to allow improvement works on the mast transmitting on the long-wave frequency. It has now been discovered that interference from Radio Algiers is stopping the Irish community in London and south-east England, where there is a big preponderance of our people, from getting the signal. This could be rectified by the British regulator and authorities in conjunction with RTÉ and our authorities. I know this was raised in the House previously but the technical reason was not raised, as I have been informed by Mr. O'Kane. I ask the Leader to bring this matter to the attention of the British ambassador, the Government and RTÉ as a real issue for our people who had to leave us.

**Senator Fiona O'Loughlin:** Today is the start of local enterprise week. I pay tribute to Jacqui McNabb and her team in Kildare, who have been doing amazing work, pre-Covid and during Covid, in supporting our local businesses and helping them through this difficult time. Not so Bank of Ireland. We had the devastating news this morning that branches in Kilcullen and Monasterevin are to close in these two vibrant small rural towns, which are on the cusp of really good things. That really goes against what we were speaking about over the last few weeks in regard to reimagining life after Covid, where we will have people at home and not having to travel out of their towns to work. It is a retrograde step. I ask the Leader to ask the Government to step in and try to reverse this decision.

Over the last few weeks, KFM, our local radio station, has been doing an absolutely wonderful job in unearthing the dark stories around the Kildare county home based in Athy. While Kildare did not have a mother and baby home, we now know that 7.5% of those in the Sean Ross mother and baby home came from Kildare. Personally, I know many who were born in Pollardstown. We know many of our "unfortunate mothers", if I can use that term, were sent to the Athy county home. Local historians Frank Taaffe and Mario Corrigan have done excellent work on those who gave birth and were born there.

This morning as I was coming to Leinster House I listened on the radio to a gripping story from Eddie McEntee, an 80-year-old gentleman who was in the Athy county home and was boarded out, as my colleague said, at the age of six. Listening to what he underwent, man's inhumanity to man and child comes to mind. We need to have an investigation into the other places where children were born and into those forgotten children, as he termed it, not covered

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by the mother and baby homes commission.

**Senator Martin Conway:** It being local enterprise week, I pay tribute to the Clare local enterprise office, LEO, under the leadership of Mr. Pádraic McElwee. It has done great work, particularly during the Covid-19 pandemic, in supporting businesses who found they needed to change the way they did business. I encourage anybody in County Clare with a good idea to make contact with the LEO because it gives great assistance to people.

Like others, I am disgusted with the Bank of Ireland announcement this morning. Three branches in County Clare will be closed: Miltown Malbay, Kilkee and Tulla. These are busy areas that require banking services. This is on top of Ulster Bank announcing it was closing its branch network and pulling out of Ireland. The mobile Ulster Bank van, which has given great support to people who live in or come on their holidays to rural County Clare, is also gone. We have a situation where three branches of Bank of Ireland, a branch of Ulster Bank in Ennis and the mobile Ulster Bank are gone.

Like everybody else, I appreciate that technology has moved on and many people are banking online. However, there are a significant number of people in County Clare who are not banking online. There are also people who come to visit County Clare. We are promoting tourism and it is identified as a vehicle that will get us out of recession. However, we cannot provide banking services to people visiting Miltown Malbay, Kilkee and Tulla or give them an infrastructure to come in and change their currencies and do other banking essentials, including witnessing signatures, certifying accounts and opening accounts, which need a physical bank to be available for people to walk into. It is a blow to west Clare, east Clare and rural Ireland. We need the Minister to come to the House and give us his thoughts on what can be done to reverse this appalling situation.

**Senator Regina Doherty:** I thank the number of colleagues who raised the disappointing announcement this morning regarding Bank of Ireland closures, which is on top of the announcement that nearly every colleague raised last week with regard to Ulster Bank. I acknowledge the concerns raised and that the bank has announced that 88 branches in its network will be closed.

There were two bits of solace I took from the announcement this morning. Most of the branches being closed are already self-service locations so I hope that will minimise any job losses because our thoughts need to be with the people who work there and who have earned their living from Bank of Ireland for many years. That is notwithstanding the customers.

We have to acknowledge our change in behaviour. A number of colleagues today have brought up and commended the LEOs, of which we all have one in our home counties, for helping people and businesses adapt over the last year to conducting their businesses online. In effect, that is what has happened with all of our banking practices as well.

*1 o'clock*

I had to think this morning to remember the last time when I was in my local branch of Bank of Ireland. I have been there only once in the past year but that is notwithstanding the fact that there are those who do rely on the support and services of the counter staff. It is welcome, therefore, that no branch is going to close for at least six months and that there are contingency arrangements. Perhaps an investment in An Post's rural and urban networks is something we should all be actively working towards so some of the customers who still need the support of

humans, and who do not just use their phones or computers, will be able to access local services in the towns and villages where the 88 branches are to be closed. Notwithstanding that, Members will be aware that arising from the Ulster Bank announcements last week, I asked the Minister for Finance to come to the House to have a debate on the future of banking. It is now more relevant than it was a couple of weeks ago. The date has still not been secured but I will follow up on it again today.

Maidir le seachtain na Gaeilge, beidh ráiteas ann ag ceiliúradh na Gaeilge Dé hAoine seo chugainn. I will do my best to try to brush up on my skills in the next couple of weeks.

Many colleagues have mentioned local enterprises around the country. This is local enterprise week. In line with everything else, all the services, seminars and celebrations of businesses will be online this week, for what it is worth. We have all praised our local enterprise offices, and rightly so, so I ask all Members to use their social media channels to give them the advertising space they need for all the seminars they are going to run this week. It certainly is a bit of a parallel universe in which we are all operating.

Both Senators O'Loughlin and Wall brought up the incredibly difficult-to-watch and moving programme that "Prime Time" aired on Monday. Before I speak about it, I commend RTÉ because it has done some sterling work over the past year highlighting some of the most cruel and difficult periods in Irish history, in addition to some of the most horrendous practices that could be inflicted on children. It is incredibly hard to fathom. I do not know whether colleagues agree but I believe it was incredibly difficult to watch grown men and women in such serious pain many years after the events they were describing. It absolutely warranted the announcement made by the Minister the following day that he would be willing to meet survivors and victims in the group in question. One has to wonder when we will be able to look back on Irish society with some solace and joy, and not have to be concerned about the harrowing intergenerational events and the impacts of some of the behaviour of Irish people on the people who are now older and more mature in society. I will follow up with the Minister to find out when the meetings are going to go ahead and ask what plans are afoot to look after the people who are still very seriously suffering.

It is a credit to Senator O'Reilly that he is so tenacious about the issue he raised. It is a scourge for many people. I do not have a date for the gambling regulator appointment. I do not have a date yet for the publication of the Bill. The relevant Minister of State, Deputy James Browne, has been invited to come to the House beforehand. We do not want to wait until the publication of the Bill. The Minister of State has accepted an invitation to come to the House for statements on gambling and its impact. I am just waiting for him to give me a date but, as soon as we have one, the debate will be put on the schedule.

Senator Casey talked about one of the issues affecting rural Ireland. I very much hope that the advent of our having closure and people working from home in their tens of thousands in the past year will give solace but also lead to recognition of the need for a change in the national planning framework with regard to the contingencies and restrictions associated with the development of rural areas. We cannot encourage people to work remotely, including from home, if it is not possible for them to live at home and to populate our schools and clubs, and all communities. I very much welcome the fact that the Minister for Public Expenditure and Reform, Deputy Michael McGrath, is coming to the House on 22 March to talk about the national planning framework and the development plan but I recognise that there are other Ministers who should also hear our views. I will arrange a date for the Minister for Housing, Heritage

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and Local Government, Deputy Darragh O'Brien, to come to the House also.

Senators Gavan and Ó Domhnaill, along with others, raised the disgraceful scenes we saw on Saturday.

At the mildest level, up to 2,000 people congregated in a manner that was more dangerous to themselves than anybody else but they then returned to their villages and towns. On the other end of the spectrum, we had thugs and gurriers who saw fit to cause mayhem. None of us has any doubt that the only reason they arrived on Saturday was to cause mayhem.

I agree with Senator Gavan on asking Facebook, Twitter and Snapchat to close down the advancement of information through all of our communities because we all know how fast a lie travels. It travels a hell of a lot quicker than anything we might say or any truths we might tell people. It is our responsibility to make sure we have these conversations in our towns and villages. The Senator is right that there are a number of worthwhile organisations that probably need support to spread to every county to make sure we have a conversation about the rise of racism and hate. Disinformation is something we have always had but we now have mediums that make it far easier for it to travel. We need to take responsibility for ensuring that information that is truthful, honest and based on facts and science travels as far as and is as loud as the disinformation. I commend Senator Gavan on bringing up this matter.

I will accept the amendment proposed by the Labour Party on announcing its Bill. I am conscious that a number of colleagues noted that today marks the start of endometriosis awareness month. Far too often, women in this country go undiagnosed. The recommendations outlined by my female colleagues would be very worthwhile if they could be followed up by the Department of Health.

A number of mummies raised the glee and delight of their children going back to school this morning. I am sure that is echoed in tens of thousands of houses across the country.

**An Cathaoirleach:** Senator Annie Hoey has proposed an amendment to the Order of Business, "That No. 6 be taken before No. 1". The amendment was seconded by Senator Mark Wall and the Leader has indicated she is prepared to accept it. Is the amendment agreed to? Agreed. Is the Order of Business, as amended, agreed to? Agreed.

Order of Business, as amended, agreed to.

### **Planning and Development (Amendment) Bill 2021: First Stage**

**Senator Annie Hoey:** I move:

That leave be granted to introduce a Bill entitled an Act to restrict applications for change of use of certain student accommodation units; and to provide for connected matters.

**An Cathaoirleach:** Is there a seconder?

**Senator Victor Boyhan:** I second the proposal.

Question put and agreed to.

**An Cathaoirleach:** When is it proposed to take Second Stage?

**Senator Annie Hoey:** Next Monday.

**An Cathaoirleach:** Is that agreed? Agreed.

Second Stage ordered for Monday, 8 March 2021.

*Sitting suspended at 1.08 p.m. and resumed at 1.30 p.m.*

### **Gnó an tSeanaid - Business of Seanad**

**An Cathaoirleach:** I understand the Leader wishes to make a proposal to the House.

**Senator Regina Doherty:** Notwithstanding anything in today's Order of Business, I propose an amendment to the Order of Business, that No. 2 not be taken today and that Committee and Remaining Stages of No. 1 be brought to a conclusion no later than 4.30 p.m.

**Senator Michael McDowell:** I welcome what the Leader has said and I understand the background to it. I am confident there will be good developments. The less said, the better.

**An Cathaoirleach:** Is that agreed? Agreed.

### **Health (Amendment) Bill 2021: Second Stage**

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

**Minister for Health (Deputy Stephen Donnelly):** I welcome the opportunity to present the Health (Amendment) Bill to the House.

The Bill provides for mandatory quarantine at a designated facility for passengers arriving from designated category 2 countries and for those who arrive in breach of the pre-departure negative polymerase chain reaction, PCR, test requirement.

We can all see the impact of the Covid pandemic, one year now after the first case was identified in Ireland. We have all seen the impact on life in our communities, the suffering caused by Covid and the measures needed to suppress it. We have seen the economic impact on so many businesses and individuals. We have seen the strong community spirit in the face of this disease.

The roll-out of our vaccination programme is providing assurance that the worst of this pandemic will pass. We have administered more than 400,000 vaccine doses to date. We will have the capacity to deliver over 250,000 vaccines per week from April in anticipation of a significant increase in supply. Last week, we saw signs that the earliest part of our vaccination campaign, for healthcare workers and residents of long-term care facilities, is already having an impact. Nonetheless, we continue to face significant challenges and we must remain vigilant. It is as important as ever that we continue to follow the public health measures currently in place. We must also deal with the new challenges we face as new variants of Covid-19 emerge. These variants may be more transmissible, may be more severe in the context of hospitalisation and death and may have the potential to undermine our vaccination programme. It is for this reason that the Government has already moved to introduce measures to limit the importation

of variants of concern.

A regime of mandatory home quarantine is in operation. Arriving passengers, regardless of nationality, are required to present a Covid-19 passenger locator form and evidence of a negative pre-departure PCR test, taken no more than 72 hours before travel. We have suspended visa-free travel from South America and South Africa. We have stepped up enforcement measures in respect of regulations which prohibit non-essential travel abroad and people travelling abroad. Currently, arrivals from countries that are designated as category 2 states must complete the full 14-day period of quarantine at home. This category now includes 33 countries, with 13 having been added towards the end of last week.

As the number of international travellers arriving in the country remains between 1,000 and 3,500 per day, we are now reinforcing these measures with the introduction of mandatory quarantine in designated facilities for those arriving from category 2 states, and with increased penalties for non-essential travel. The measures contained in the Bill provide for a robust system of mandatory quarantine in designated facilities for travellers arriving from designated states, with only minor exceptions. Ireland will be the only country in the EU to introduce quarantine requirements at this level.

It is worth pausing here. There were several hours of debate on this Bill in the Dáil last week. It was a largely very constructive and well-meant debate, notwithstanding the usual few contributions. However, a great deal of dramatic and entirely incorrect language was used to refer to the Bill as window-dressing and to the Government as not being serious about this issue. Some described the Bill as a sham. I want to restate that Ireland will be the only country in the EU to bring in a system of mandatory quarantine of this nature. The position is very serious and we are taking a serious step.

The Government recognises that what is proposed will place a significant demand on travellers, even though there are those who would prefer the introduction of harsher measures. The measures proposed strike a balance between the need for strong steps to react to a serious threat to public health in an unprecedented emergency and the protection of civil liberties and human rights. I take this opportunity to emphasise that the measures provided for in the Bill will be applicable to all travellers from a designated state and that a person's nationality has no bearing on the matter.

I will go off-script for a moment. The Oireachtas has a really important role to play in this debate. For me, from a small number of quarters, some aspects of the debate have had a whiff of xenophobia about them. I have heard it said that we must protect our people from foreign people. That is not what this is about. In fact, we are moving away from describing variants as, for example, the Brazilian variant or the South African variant. We are moving towards calling them by their designations, such as B117. Throughout history, xenophobia and racism have been linked to the perceived fear of the importation of disease. Cholera, for example, was known as the Jewish disease. British literature from the 18th and 19th centuries, when referring to and demonising the Irish, often described them as bringing disease into the UK. The Oireachtas has a most important role to play. These are extremely serious public health measures and we need to ensure that people understand they are not a reaction to foreigners or anything of that nature. These are deadly serious public health measures but we need to ensure people understand that they are not a reaction to foreigners or anything like that. The vast majority are Irish people returning. I want to emphasise that.

Sections 1 and 2 set out definitions and interpretative provisions. Sections 3 to 6, inclusive, amend the Health Act 1947 to increase the penalties for existing offences relating to the Covid-19 pandemic. This is intended to permit the fixed penalty notice for travellers going to or from an airport without reasonable excuse to be increased.

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

Travellers who have been in a “designated state” within the 14 days prior to their arrival in Ireland will be obliged to undergo a 14-day period of quarantine. The Bill includes a provision to allow exit from quarantine after ten days under certain circumstances. There are a limited number of other circumstances under which travellers may leave quarantine, such as for medical treatment or other humanitarian reasons.

The Bill also includes provisions requiring travellers who arrive in Ireland from any other country without a negative PCR test to be quarantined until a negative test is returned, or for a full ten-day period if deemed necessary on public health grounds. Travellers who test positive for Covid during quarantine will be required to remain in quarantine until they have satisfied criteria for release.

Travellers will be required to pre-book their accommodation in designated facilities. Appropriate provision is made for the protection of unaccompanied minors or those seeking international protection. The Bill includes provision for travellers to appeal a decision that they are subject to mandatory quarantine, while section 38B(25) includes categories of travellers who are exempt from the requirement to quarantine, such as drivers of HGVs, maritime or air crew, or elected officials travelling for official reasons. It will be possible to designate other exemptions by regulation.

Section 38C sets out the power to return travellers to quarantine if they have left inappropriately.

Section 38D sets out offences associated with the Bill and establishes the relevant penalties.

Section 38E sets out the power and the process for the Minister to designate the states relevant to mandatory quarantine.

Section 38F makes provision for the designation of facilities and to require passengers to pay for quarantine.

Section 38G sets out the regulation-making powers of the Minister and sets guiding principles for use in that process.

Sections 38H and 38I provide the authority for the Minister to make arrangements for transport and accommodation and related matters for quarantine purposes.

Sections 38J and 38K set out requirements and obligations related to record-keeping and data protection.

Section 38L allows the Minister to make arrangements with other Ministers to carry out some of the functions associated with the requirement to quarantine as they relate to the designation of facilities for quarantine, making service contracts, and data protection.

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Section 38M establishes a requirement of travel organisers, such as airlines, to inform a traveller of their obligation to pre-book their quarantine, check that those bookings have been made and potentially refuse to allow travel where a booking has not been made.

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

Section 9 sets out the Short Title and operation of the Bill and establishes that the quarantine-related provisions of the Bill will fall three months from its passing, unless resolutions extending them are passed in both Houses of the Oireachtas. This is an important sunset clause. It is a very short period, given the sweeping nature of these powers.

I would like to thank Senators in advance for their contributions to this debate and look forward to hearing their contributions.

**Senator Lorraine Clifford-Lee:** I thank the Minister for coming to the House and for his comprehensive explanation. I am glad I have the opportunity to speak on this very important legislation. It is a proportionate response to the threat we face. I am very happy with its sunset clause, which provides that the House will return in three months' time to debate whether to continue its provisions. It will depend on what our situation is at that time. I appeal to everybody here to be careful in their language to quell the narrative around this legislation. Like others, I took many phone calls on Thursday from very worried people who were whipped into a state of anxiety when they looked on social media and saw photographs of the voting panel from the convention centre. The narrative was that the Government voted against mandatory quarantining. This is a complete misrepresentation of what had actually happened.

The list of 33 countries is significant. It is a proportionate response to the threats from the new variants. I am very glad we are moving away from the language about particular variants being linked with certain countries and certain nationalities. The Minister is right when he says the dramatic and sometimes xenophobic language used about this particular issue is not something that we in Ireland should buy into. As the Minister pointed out, this xenophobic language has been used against Irish people many times in many countries. I remember reading something about the many Irish emigrants in New York and how they were discriminated against when they came off the boats into the communities and sought work. They were turned away because of the fear of spreading disease. The xenophobic language has to stop and it is all of our responsibility.

While we might disagree with each other, we must debate this legislation on its merits and not whip people up into a frenzy. People are suffering enough. People are anxious enough. People have missed out on many things in their lives. Their children have suffered. They have suffered and have lost incomes. They have lost loved members of their families and communities. We really need to focus on this legislation. It is being done with the best of intentions and I hope we can get it as right as possible and that we can have good legislation and a good quarantining system in place. It is for the good of the country. I do not think political point scoring on this and using this particular legislation to score a few points against the Government is the wisest thing to do.

I look forward to debating the measures in the Bill and I thank the Minister for his comprehensive outline of it. The situation in New Zealand is often cited as something we could follow. I will not point out the many differences between Ireland and New Zealand. It is still worth bearing in mind the very severe restrictions in place in New Zealand and the fact it is having

snap lockdowns. All of sudden, life just changes and they are back into lockdowns. Auckland is in a seven-day lockdown at present. Mandatory quarantining for everybody entering these shores is not the silver bullet that some would like to make out. I hope we can have a mature debate on this Bill today and I look forward to hearing the rest of the measures.

**Senator Michael McDowell:** I welcome the Minister to the House. This is genuine and I deprecate the recent media coverage of many of the aspects of the crisis that has tended to personalise the problems we have and, in particular, to do so unfairly with regard to the Minister.

Normally I would be wholly opposed to a proposal, and I said this as Gaeilge níos luaithe, to debate a measure of this kind in such rapid order on one occasion. However, having come to the view we are facing an emergency, as I said earlier, it seems we have to behave as if we are facing an emergency. In this context, I want to make some points to the Minister.

We have daily press conferences telling us how many people have died of Covid and how many people have been detected as carrying the virus. We need the same degree of transparency for the vaccination process. In the Minister's speech, he said we will have capacity to deliver more than 250,000 vaccines per week in April in anticipation of a significant increase in supply. I would like to see a very clear week by week timetable of precisely what the Minister anticipates happening rather than vague language of this kind. I will not hold the Minister to falling short of targets. As far as I am concerned, the more ambitious the targets are, the better.

There are some things people are getting tired of, such as photographs of one celebrity or another getting the jab. We have had enough of that and we do not need any more photographs of people getting the job. We do not need token investments, such as kitting out City Hall in Cork with an elaborate set of cubicles with electricity supplied to each, etc. In England, they see this as an emergency and they are using pews in cathedrals to get on with the job.

I have a final point. We need a clearer approach on using dentists, nurses, paramedics and pharmacists to administer vaccines. Injecting this vaccine is not a procedure that should be restricted at all. I wish the Minister every success in rolling out this programme. Get on with it, for God's sake, and deal with it as an emergency as we are in an economic, social, psychiatric and psychological emergency. Everyone must play their part.

**Senator Gerard P. Craughwell:** The Minister is welcome. Like my colleague, Senator McDowell, I have serious reservations about legislation coming to this House and going through all Stages in two hours. This demonstrates a complete lack of respect for the democratic process and the function and role of this House. It is an emergency and, bearing that in mind, I am prepared to go for it.

I cannot understand why we have not and are not considering putting checkpoints on the Border. If we restrict travel into the country through Dublin, Cork and the various ports, we must also ensure that the same restrictions apply on the Border if the exact same systems are not in place in the North of Ireland. The misinformation that has been spoken of led to what we saw on Saturday, which was the lunatic brigade picking on every minute detail coming from any Minister's office in order to introduce confusion into the public sphere. We should discourage people from travelling at all. Anybody who wants to travel into the country should have to go through one of our embassies and produce a test to say that he or she is clear of Covid-19 before even thinking about boarding a plane. A person should not be able to get on a plane without a certificate in his or her hand.

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A garda said to me the other day that if somebody arriving at an airport is told that he or she has to go into quarantine, as the provisions of this Bill are not yet in place, the person does not have to bother and can go home. Garda representatives have still not met the Minister for Justice to explain their concerns and have her answer them. I ask the Minister to impress on the Minister for Justice that she should meet representatives from the Garda Representative Association, the Association of Garda Sergeants and Inspectors and Garda superintendents straight away. I thank the Cathaoirleach for the extra time.

**An Cathaoirleach:** It was a bit of injury time.

**Senator Martin Conway:** I welcome the Minister. His is not a job anyone would envy because it is very difficult in the midst of a pandemic. We all wish him well in doing that job. This is about public health in our country and it is the reason this legislation has been brought before the House.

I listened with interest to the clamour about the need for mandatory quarantine and the hysteria about it not being in place until now. We will be the first in Europe to introduce mandatory quarantine of the nature proposed in the Bill. We are doing it and other European countries may well follow suit. I remember last October when the Tánaiste, Deputy Varadkar, stood in the Dáil and advised people not to travel home for Christmas. He was described as mean-spirited and heartless, although at that time the advice was to not travel for non-essential reasons and that travel should only happen for essential reasons. This has been the case for a number of months. The advice is clear but this does not mean that people adhered to the advice, clearly they did not. Some of the people who accused the Tánaiste before Christmas of being heartless and mean-spirited when he was advising people to not travel home for Christmas, are the very people who are now lecturing about mandatory quarantining and pointing the finger at the Government as to why this has not happened already and why it did not happen six or eight months ago. We are in a pandemic and we are learning from the pandemic. I suggest that our country has handled the pandemic far better than a lot of other countries. Sadly, 4,300 of our citizens have died with Covid-19. We mourned their deaths and remember each and every one of them. That number would have been a lot worse had we not taken the actions when we took then. The public buy-in, especially to the very first lockdown this time last year, resulted in the saving of lives. The public buy-in since then, to a large extent, has saved lives. Prior to Christmas, however, we found ourselves dealing with new strains. I agree with the Minister. It is time to remove the nationality label from those strains and just call them what they are, which is new strains and new variants of Covid-19. This will continue to evolve but we have hope in the vaccine. In the month of April alone, 1 million people will be vaccinated against Covid-19, with a similar figure in May and a similar figure in June. When there is a significant roll-out of the vaccine to a large number of citizens, then we can take some hope that the days going forward will be brighter and that we will have overcome the worst and harshest of this pandemic.

This legislation is necessary. It is needed to deal with the international travel side of things but it is only one element. We will beat this disease only by implementing all elements of public health advice, coupled with the vaccine. Mandatory quarantining on its own is not going to eliminate or reduce Covid-19 within this country. That will be achieved by each and every Member and each and every citizen of the State doing what we are supposed to do and following the basic, simple public health advice that we are tired of listening to but which is so important to repeat.

The thuggish behaviour that took place in Dublin city centre last Saturday was a blight on

our capital city and on our nation. I have no doubt that the full rigours of the law will be used against these people. I would send a clear message to them that this Parliament and the State will not entertain any further such activity going forward, either on St. Patrick's Day, in Cork, in Limerick, in Clare or anywhere else. This is too serious and it will be dealt with.

**Senator Ivana Bacik:** I welcome the Minister, Deputy Donnelly, to the House. On behalf of the Labour Party I voice my support for the Bill, although we do not believe it goes far enough. Others have pointed out that we are in an emergency, and indeed we are debating this Bill in emergency time. I am glad the time has been extended somewhat. To take all Stages of such a far-reaching Bill in one day shows just how urgent matters are. With more than 4,000 deaths and more than 200,000 people infected with Covid, we know exactly the sort of emergency we are facing. This is why we disagree with the Minister when he says the Bill strikes a proportionate balance between protecting public health and the common good on the one hand and the limited restriction of individual rights on the other. We believe that the balance should be more fairly set by imposing stricter restrictions on inward travel in order that those of us resident in Ireland can see a gradual lifting of the heavy and draconian restrictions under which all of us are currently living.

*2 o'clock*

That is the reality. The balance is skewed in favour of non-essential international travel to and from Ireland and against travel outside of our 5 km zones and the reopening of our schools and workplaces.

To face some facts, we in Ireland have been living under one of the most restrictive lockdowns in Europe for the past year. The Minister is nodding because that is uncontroversial and we all know that has been the case. We have been subject, for the most part and entirely since Christmas, to a 5 km limit for the purposes of exercise. Our workplaces are closed, thousands of people are out of work, nearly 500,000 people are on State supports, businesses and offices remain closed and children are being denied a return to school. I welcome the limited return of schools today but I am conscious of the many children, including all of those with additional needs, who are still facing a lengthy period of homeschooling - what a euphemism - in the months to come.

We are living under restrictive lockdowns and yet we are somehow so inured or institutionalised to the restrictions involved that we see restrictions on inward travel as somehow draconian and breaching civil liberties. I have been surprised at the few people who contacted me to object to Labour's stance in support of a national aggressive suppression strategy and who say that we are trampling on civil liberties. What would be normal protections for civil liberties are already being undermined because of the emergency we are in? To impose tighter restrictions on international travel seems to me to strike a much more proportionate balance. We have received overwhelming support for our stance.

As Deputies Kelly and Duncan Smith put it in the Dáil, we need tighter restrictions and a more extensive law on mandatory hotel quarantine as part of a package of measures to suppress the transmission of Covid. That package of measures should include rapid testing and an accelerated vaccination programme. None of us is saying that mandatory hotel quarantine is a silver bullet but it is an essential part of the package of measures we need to take in this country to address the spread of Covid.

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I entirely agree with my colleague, Senator Sherlock, and with others who have urged against any whiff of xenophobia, as the Minister put it. I am an internationalist. I do not like the idea of border controls. Not many of us do. Many of us, including me, did not like the idea of adopting a zero Covid strategy initially because of the restrictions on travel but that has changed since Christmas and the spread of the new variants. As Senator Sherlock did, I will call them by their names and not by the countries they originated in. I mention the B1351 and the P1 variants. We know from studies by Dr. Paddy Mallon, from the work of the Independent Scientific Advocacy Group and from the arguments put forward by Aoife McLysaght, Tomás Ryan, Gabriel Scally and so many others, of the dangers of increased spread of the virus due to a lack of controls on travel. We must accept, therefore, that travel is a factor. We must also accept the need for more extensive controls on borders and a more robust policy on this island and a cross-Border strategy.

We must ensure that we follow of New Zealand and other countries and do repeat what we did last summer. We came close to zero Covid, as Fintan O’Toole pointed out in the *The Irish Times* on Saturday, and we blew it. Had we known then what we know now, we could have adopted a much more effective strategy to tackle and suppress the virus and save lives and livelihoods. Now we know more and now is the time. The amendment that Labour has tabled will give us that chance. As Cillian de Gascun stated, if we do not have quarantine for incoming travel, tackling Covid becomes like “trying to fix a leak with the tap running ... If you can turn off, at least it gives you an opportunity to fix the leak.” Let us take the opportunity. We are supporting the Bill but we want to make it more extensive and for it to give us more effective strategies to fight this awful virus.

**Senator Róisín Garvey:** Cuirim fáilte roimh an Aire. Seachtain na Gaeilge atá ann mar sin tá mé chun an Ghaeilge a úsáid i dtús báire. Tá sé an-tábhachtach go bhfuil an t-ábhar seo á phlé againn. It is hard to do everything that everybody wants in every way. Some people want the whole country opened up and some people want it closed down. It is a difficult time that we are in and everybody thinks he or she is right. I appreciate the fact that we are taking our advice from the European Centre for Disease Prevention and Control. Sometimes, one has to ask whether there are any experts left in the world or whether we are all the individual experts, based on our swiping through social media and wanting to come up with objections. We have to thread carefully because this is a serious pandemic in which people are dying and we need to do the right thing. We need to rely on bodies such as the European Centre for Disease Prevention and Control to get advice, as well as on people like the Chief Medical Officer. To that end, I welcome the mandatory quarantine of travellers from the 20 countries. Of course, I note that the Minister for Transport and the Minister, Deputy Stephen Donnelly, have indicated that if the list of countries needs to be extended then they will do that. This is informed by public health advice and about case and variant numbers.

It is important to note that Ireland is the only country in the EU to bring in this mandatory quarantine. It also is important to remember that many people from these countries already live in Ireland and have been living here for years. Let us not forget that either lest one thinks, on meeting anybody from one of those countries, that he or she has it. I have heard that already, and even suggested on national media by some who are opposed. We have to be careful around this and how we word it.

We really need to take a step back and realise that the people in charge, such as National Public Health Emergency Team, NPHE, and the Government, are trying to do their best and want to solve this problem as much as, if not more than, everybody else in Ireland. It seems to

be acceptable to presume that the Government is trying to not solve the problem and wants to mess with people's lives when the exact opposite is true. The Minister has a serious responsibility. It must have been very difficult for the Minister. My role as a Senator representing the Government is challenging at this time not to mention what it is like to be the Minister for Health in a pandemic. We need to show compassion and respect for people who are trying their best, and maybe are actual experts, not people who have many followers on social media because they have an alternative viewpoint. We have to be careful about that because people's lives are at risk.

I wanted to ask about one issue. There is a national vaccine roll-out through the GP service. People are told to wait until their GP calls them but I have 94-year-olds wondering how come they have not been vaccinated yet although their GP has been doing the vaccinations for the past few weeks. There may be something in the communication from the HSE to the grassroots level where people are sitting around all day every day waiting for that phone call to come about the vaccination.

I support this Bill. I wish the Minister the best of luck with his endeavours. We are all trying to do our best here to get to the end of this terrible time and we have to respect one another as we try to do our best.

**Senator Niall Ó Donnghaile:** Ba mhaith liom fáilte a chur roimh an Aire.

As the Minister will be aware, Sinn Féin will continue to play its part in the collective, and importantly all-island, effort in ending the Covid nightmare that our people and people throughout the world have been burdened with for over a year.

On handling the virus, we take our guidance from the medical experts on the measures that are needed to eliminate it. Influenced by the direction from the medical experts, we have offered up solutions to the problems created by the Government in its handling of the Covid-19 emergency. In particular, Sinn Féin proposed amendments to the Government's plans in this health Bill last week in the Dáil. Several amendments were tabled, all of which the Government voted down in the full knowledge that its proposals will merely repeat past failures and will make it much more difficult to get to the point where the people of this nation are safe and societies, both North and South, can be reopened on a confident and secure basis.

While Sinn Féin in the Dáil welcomed the broad thrust of the Bill, and I do the same here today in the Seanad, as other colleagues have said it does not go far enough. The Bill resembles a plan to live with the virus when the plan we need for the betterment of all our people is ultimately to eliminate the virus, and that is not good enough. Last week was a week of confusion and mixed messaging from the Government yet again. Why, for example, was the hotel quarantine Bill handed over to the Department of Health in the first place? This is surely a matter for the Ministry of transport, and not of health. The priority for the Minister for Health should be the roll-out of the vaccination plan, which has been a debacle since the start.

One year after the virus arrived in Ireland, thousands of people in this State and in the North have died from Covid. I, again today, extend my thoughts and sympathies to all those who have lost loved ones as a result of this virus. Tens of thousands of people were infected and on three occasions, societies have been in lockdown with the consequences of which we are all well aware.

Front-line workers continue to be faced with uncertainty as they still face the burden of

holding the line while the Government wobbles from one position to the next. Only today, it is shocking to hear the Association of Garda Sergeants and Inspectors state that members of the Garda have had no operational guidance or instructions on how to enforce the quarantine restrictions. In the context of the Garda being expected to check on people who have recently entered this State and who have not engaged with the Department of Health's quarantine process, this is unacceptable. This is unacceptable. According to Garda representatives, the only gardaí enforcing quarantine belong to the Garda National Immigration Bureau, which has conducted some house and hotel visits. In the absence of proper instruction and guidance to gardaí generally, can we hope to see full compliance from those who are not engaging with the Department? Considering the number of people being allowed to enter the State, An Garda Síochána in general will have to be active in enforcing quarantine restrictions. Therefore, through the Minister of Health, I call on the Minister for Justice, Deputy McEntee, to meet with Garda representative organisations to ensure the Garda Commissioner issues full and clear instructions to the front-line gardaí who have to enforce quarantine guidelines.

This situation and the disgraceful scenes witnessed in Dublin at the weekend, when anti-mask protesters confronted and attacked gardaí on the streets, highlight the need to vaccinate gardaí urgently. Neither I nor the Garda representative organisations are calling for priority to be given to gardaí over more vulnerable sections of society but if gardaí must confront people who refuse to take necessary precautions and indeed spit and cough in their faces, their need to be vaccinated is clear.

The amendments that were rejected in the Dáil last week remain valid. Sinn Féin is putting forward the amendments again here in the Seanad because we are keen to have a proper debate on them and, hopefully, to give Seanadóirí the opportunity to vote in favour of them. The Sinn Féin amendments cover the following crucial areas: practical steps to ensure data is shared North and South to ensure the relevant officials in this State are aware of those who arrive via Belfast, for example, who require to quarantine; to ensure all travellers are required to have a post-arrival polymerase chain reaction, PCR, test; to extend quarantine requirements to all arrivals into the State, not just those from 20 designated states; to ensure the Minister for Health consults the Chief Medical Officer and other Ministers when designing regulations; and to provide for the Dáil to approve the regulations and to put in place a timeframe of seven days for the commencement date of the Act.

We need strong action now to prevent new variants of the virus being imported, as the Minister has said and rightly acknowledged, and to protect the vital vaccination programme over the coming months. That means we have to follow NPHE's advice, remove discretionary movements, have PCR testing post arrival here, extend mandatory hotel quarantine to arrivals from all countries and ensure there is mandatory quarantine for all non-essential arrivals during the Bill's three-month sunset clause.

Too many mistakes have been made in this Government's international travel policy and lessons must be learned. We need to take measures that will help to allow the people of the State to get back to some level of normal life. The best way we can do that is to drive the virus down and to prevent it and new variants from reseeding. Closing the door to unchecked international travel for the time being should be one part of this plan. Related to the need for more comprehensive mandatory hotel quarantine is the urgent need to expand the checks and balances currently in place. The priority in this regard must be the introduction of a mandatory PCR test post arrival for all non-essential arrivals. This is about closing the net and managing and minimising the risk. We need to ensure passenger data is shared in real time from Belfast

to Dublin so that the authorities here know who should be presenting at a designated facility so that An Garda Síochána can contact them if they do not. This makes sense.

With the indulgence of the Cathaoirleach, and seeing as others did not use all of their time, I want to say we need to acknowledge the impact that all of this will have on the aviation sector. The Government has failed to fully support the sector and its workers. The level of State support is a fraction of what is required. Very significant investment will be needed to protect that sector. It should come with conditions to protect workers' jobs and air routes and to deliver on climate change goals. The elimination of the virus should be the number one priority. If Sinn Féin's amendments are accepted, they will place every one firmly and irreversibly on that road.

I will conclude by responding to Senator Craughwell's point about the Border. I do not know what the Senator's obsession is with having boots on the Border, considering that the whole momentum of this State and of political life here has been that one could not and should not be trying to police the Border. A comprehensive fortress Ireland should be in place. If we can do that for animal health, for cattle, it should be in place for people. It is not too late to take that approach.

**Senator Alice-Mary Higgins:** I welcome the Minister to the Seanad. Many of us in this House called last summer and autumn for action on the question of hotel quarantine or supported quarantine measures. When we talk about zero Covid being a fantasy, we should bear in mind that we were down to the very low double figures at that point. Zero Covid was in sight in Ireland at that time. It may well seem very far out of reach now but we were at that point. There had been calls for action on that throughout the summer, and during our many debates in the autumn. In that context, it is frustrating that the Government put so much energy into refusing debate on this issue and that now we are presented with all Stages of a Bill at once. It is not good enough. It was one thing in June and July in a newly formed Seanad for all Stages of Bills to be pushed through because it was an emergency but practically a year later to have all Stages of legislation being taken at once is not good enough. It is no longer okay. When that happens, mistakes are made. None of us thinks this is a simple or a magic bullet solution. We all know this is an incredibly complex area and we need the minds of all Oireachtas Members to be applied to make sure we produce good and careful legislation in this area.

I note a smaller aspect of transport but one which is of immense importance to people. When the Minister for Housing, Local Government and Heritage brought forward legislation that tied eviction protection to within a 5 km radius, we asked him to give himself the permission to extend it so that people would be protected from eviction at a 10 km or 20 km radius. However, there was no time to take on board those amendments. These are the kinds of mistakes we are making again and again.

Like many other Members of the House, I will be proposing a more extensive approach to mandatory quarantine and I will be supporting amendments from others. My amendment, which is perhaps a more moderate one, is to ensure that at the least there is consistency when applying these criteria. We hear of xenophobia but it seems very strange to look at a list that is almost entirely made up of countries from the global south when, for example, we know the United States has all the Covid variants and, indeed, new variants such as B1427-B1429. We need to be consistent when applying criteria. We need to be very careful there is no element of favouritism or xenophobia in terms of which countries are designated or not. A clear measure would be to have a wider designation. At a minimum, there needs to be clear criteria.

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I am going to talk about all those who are not quarantining, because it is the missing piece. If the Minister, as is likely the case, does not accept amendments put forward today to extend hotel quarantine to all, what will be done in respect of the others? What has been done in terms of non-essential travel overseas? Are we even checking if people have two-week return dates on their flights? Are there business people, as we have heard, who have a one-week return date, which means they clearly do not intend to quarantine? In this debate, everyone has spoken about mandatory quarantine and quarantine. Quarantine is meant to happen already for everyone who comes into the State. What we are talking about here is mandatory hotel quarantine. The fact that people say it is disruptive indicates that there seems to be some understanding that people do not really need to quarantine. That is not good enough. What are the follow-ups in regard to everyone who comes in? What checks in place five days later? How do we check people's travel plans? We need more information on that.

I have a number of concerns in relation to some provisions of this Bill which should have been addressed. I am concerned the fines will have a disproportionate impact on those of a certain socioeconomic background. If one were a wealthy person, the difference between €2,000 and €4,000 might not be considered much. If a person is not wealthy, a €4,000 fine could be a quarter of his or her annual income. We are in a situation where these fines could have a disproportionate impact on those with lower incomes. This issue needs to be looked at. I tried to put forward an amendment to give the Minister the power to adapt to those measures and adjust the costs to reflect issues such as an inability to pay. We do not want a situation where someone is avoiding quarantine because he or she is afraid of the cost.

International protection is a concern. We need to make sure the same high standards of quarantine and protection are given to everyone who arrives in this State. Concerns have been expressed by the Irish Council for Civil Liberties, ICCL, in regard to ensuring proper provisions around the conditions in quarantine situations. There are health conditions which are vital in terms of ventilation and access to prescriptions, medicines and to dietary choice. There are a number of really key issues. That is why I wish we were having this debate in a proper way, where we could refine the essentials that are needed in terms of good quality and safe human-rights compliant measures in hotel quarantines. I wish we had done more on that and had more time for it.

I have other points which I will come to over the course of the debate. I regret we will not have the opportunity to tease them out in a positive way. My last point addresses my core issue. Let us ensure this House gets a report a month before an extension and that it is given adequate time, so that each three-month extension, if there are extensions, is informed by learning from how it has been applied and we do not continue to make the same mistakes.

**Senator Lisa Chambers:** I welcome the Minister, Deputy Donnelly, to the House. This is important legislation. I acknowledge Senator Higgins's concerns, which are fair, on the length of debate. They should be taken on board. I am glad to see a sunset clause in the legislation for three months' time. I am sure we will find ample opportunity to address those concerns at that point. It should provide the House with a greater opportunity to explore how the legislation is working, whether there are human rights concerns, whether it is being operated effectively and whether we are managing things as we should be.

There is no doubt that the public has demanded and wants this legislation. I am glad to see it coming before the House. I am also glad we took time, as a Government, to think about the impact of it. It has been acknowledged by a number of Ministers and those in the Opposition

that what has been proposed is quite draconian. These are significant restrictions on people entering our country. A two-week quarantine is no joke. It is a considerable length of time to be detained at a facility, potentially against one's will. However, it is being done in the interest of public health and to protect the public. It is the balance we are trying to strike.

The three-month sunset clause is quite short. I think it is to acknowledge the concerns people have. I have said a number of occasions in this Chamber that the restrictions we have placed on citizens over the past year and the additional restrictions we are placing on citizens coming back and people who are not citizens were decisions which were not entered into lightly. These are significant restrictions on people's civil liberty and that must be acknowledged.

We are fortunate to be in a functioning democracy where parliamentary oversight is operational. We have an opportunity to have our say on this legislation. However, it is always worth remembering that democracy is fragile. We must protect it and acknowledge that it is valuable. It is always important to have a break in these types of laws so that we have an opportunity to assess how they are going. We should not assume unrest arises elsewhere and does not happen here. It can happen here and it happened at the weekend. It was quite minor but it gives a taste of what can happen when things get out of hand.

Questions will be asked in the coming weeks about the facility, about how it is operating and about the kinds of services people have access to in terms of food and ventilation, which Senator Higgins raised. People will have concerns but, as a Government, we have been quite good in being forthcoming in answering questions on the pandemic and I am sure this will be no different.

I have previously expressed concern about the workload on the Minister's Department, not just on him as the lead Minister but on his team and officials. It is a huge amount of work. I have previously questioned why this is being brought in under the Department of Health. It looks, walks and talks like a justice Bill and it should have been brought in under the Department of Justice. We are talking about detention, criminality and criminal offences. It sounds as though it should be a justice Bill.

I am not sure we will get any answers to that. I understand it is part of the Cabinet discussions and I am sure there was good reason for it. However, the Minister is only one person. There is a limit to what one person can deal with on an ongoing basis. It seems a huge additional workload on top of being the Minister for Health, Covid-19, vaccines and everything in between. To put quarantining on top of that workload is a huge burden, not just on the Minister but on the team and the Department. The Minister is as entitled as any member of Government to get some sleep and have a day off but I am sure he has not had a day off since he took up this brief.

The incredible level of work the Minister is putting into his job must be acknowledged. Few sitting around the Cabinet table are putting in the hours he is putting into the job and that must be acknowledged. We are quick to lay blame when mistakes are made but Members of this House or of the Dáil are human. There is a limit to what one person can do and can take. Many Members of both Houses have not acknowledged the level of work placed on the Department of Health, at what is probably the most difficult time in its history. There is much work there. That should be acknowledged and the Minister and his team should be commended on all the work they are doing.

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I welcome the legislation which has been led by the public who want it. However, as a Government, we will have to be on hand and ready to answer any questions that may arise in the coming weeks. I look forward to the continuing debate on this legislation in three months' time when we will have an opportunity to assess how it is all working.

**An Cathaoirleach:** I call Senator Seán Kyne who is sharing time with Senator Barry Ward.

**Senator Seán Kyne:** Yes. We have two and a half minutes each.

**Senator Seán Kyne:** I welcome the Minister. The last two speakers respectfully suggested that this legislation should have been brought in by the Minister for Transport, Deputy Eamon Ryan, and the Minister for Justice, Deputy Helen McEntee. However, it is a health Bill protecting the health of the nation. That is the rationale behind it.

We have passed the anniversary of the first Covid case in this country and the basic armoury we have is still with us which is keeping our distance, proper cough etiquette, washing our hands and following the rules even if one disagrees with them. The actions of many of the protesters at the weekend were a disgrace, as were the elements that attacked An Garda Síochána for upholding law and order and the law of the land. People are fed up. We are all fed up but we must propose and debate laws that come before us. Cabinet must debate recommendations that come from NPHEC but it is hugely important that when laws are passed and signed we abide by them.

The vaccination roll-out is going on. Unfortunately, as of last Friday, some GPs had still not received their supply in my part of Galway. There were some issues with Inis Meáin and the Aran Islands which had not received the vaccine supply. It was due to come from Inis Oírr but it did not. The Minister might check that out because it is important. As I said, the basic armoury that we have is one element and vaccinations are another. The ramping up of vaccinations is welcome as is the fact that we will have 1 million doses coming in and administered by April, hopefully.

Quarantining has to be the last resort. It is important that it is used for some countries only. There are people who suggest we could have quarantined everybody who came into this country from last autumn. Unfortunately, the people who came home for Christmas brought Covid with them or picked it up along the way, obviously not intentionally, and people lost their lives as a result. To talk of locking everybody up in quarantine for 14 days is very difficult. The Government has decided to take on a huge task but it is the right thing to do for certain listed countries. It can be kept under review and added to. I have run out of time but this is a welcome and important debate.

**Senator Barry Ward:** I am deeply uncomfortable with the provisions in this Bill which does not mean they are not necessary or proportionate in the current circumstances. I have read the concerns expressed by many organisations, in particular non-governmental organisations, including the Irish Council for Civil Liberties, ICCL. I welcome the fact it has looked into this even if it may not have had the time it would have liked to examine all the provisions.

It is important to say that when somebody is in the custody of the State, be it the Garda, Prison Service or even psychiatric care, each one of those institutions has a very important statutory oversight agency, whether it is the Inspector of Prisons, the Garda Síochána Ombudsman Commission or the mental health tribunals. They have a very clear oversight function in respect of persons in the custody of the State. I note this Bill does not specifically provide

for such oversight. That is one of the concerns raised by the Irish Council for Civil Liberties, for example, and I agree with it. However, this Bill does not stop the Minister from putting that oversight in place, even though it might not be contained in the Bill. We are a few weeks away from implementing this but given that it is coming under the Department of Health, the Minister still has an opportunity to implement those oversights and I encourage him to do so. I agree with suggestions from other speakers that it should be a justice Bill but that is another day's work.

I raise a concern over the provisions of the new section 31AA which appear to make the provisions of this Bill retrospective. There will be issues with that if a prosecution or enforcement measure is sought under the provisions of that section. Perhaps the Minister will take the opportunity to address that.

I may address this final issue on Committee Stage. This is the third time we have amended the Health Act 1947. I understand why that is the case. I agree with suggestions that doing it in a day is unhelpful. Again, however, I understand the exigencies of the current circumstances. Amendments to the Health (Amendment) Act 2020 were put forward on the previous occasion and these identified what we said were flaws in it. The matters to which those amendments related are not addressed in this Bill, even though we are amending the same sections of the 1947 Act. Has the Minister had an opportunity to think about that? Has the Department given any consideration to the issues that were raised during the debates in this Chamber last September?

**Senator Sharon Keogan:** I thank the Minister for attending. There is a distinct feeling of *déjà vu* about this afternoon's debate. It is another piece of the Government's Covid-19 legislation being driven through the House faster than a speeding bullet. Ironically, the speeding bullet is 12 months too late.

While I can understand the rationale behind expediting the legislative process in respect of an emergency Bill in a time of emergency, I cannot understand it in this instance. It is a grave disservice to this House to yet again deny us the time to scrutinise, debate and amend legislation, assuming the Government would even accept any amendments of merit. This undermines the very constitutional role of the House. The final draft of the Bill, as passed by the Dáil, was sent to me at 5.10 p.m. on Thursday last. This left one hour and 50 minutes to submit amendments. Today, the House has 75 minutes to consider all Stages. This legislation is a perfect example of closing the stable door after the horse has bolted. Is it not true that 90% of the cases that have been detected in this country are of the British variant? Yet, Britain is conspicuous in its absence from the list of countries covered by mandatory quarantine.

I find it staggering that the Government has radically curtailed the rights and freedoms of citizens with Garda-enforced 5 km and, at times, 2 km travel limits, yet international travel has continued without any meaningful restriction. How is this fair? How does this make sense? Surely, the Government should be introducing a mandatory quarantine on all non-essential travel into the country. Surely, this makes more sense than a somewhat arbitrary list of countries, mostly located in sub-Saharan Africa and Latin America, to be covered by mandatory quarantine.

I wish to make another point regarding the increased sanctions this Bill will impose on Irish people travelling overseas without a reasonable excuse. It is important to recognise that many people travel abroad from this country for extremely important reasons, for example, for the sake of their physical and mental health and well-being and for family reasons. People suffer-

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ing from respiratory conditions and arthritis, for example, need to travel to warmer and drier climates for some relief. The people of Ireland have had the most restrictive Covid-19 measures in Europe placed upon them.

**Acting Chairperson (Senator Mary Seery Kearney):** Is the Senator happy to share time?

**Senator Sharon Keogan:** Excuse me. I am sharing time with Senator Mullen.

I implore the Minister to please get the vaccination programme rolled out as quickly as possible. That is the only way the people of Ireland will get their freedom back.

**Senator Rónán Mullen:** Gabhaim buíochas leis an Leas-Chathaoirleach agus leis an Seánadóir Keogan as ucht a cuid ama a roinnt liom. We should always try to give the Government the benefit of the doubt regarding the measures needed to fight Covid-19. We see this, however, as an example of where the credulity of the Oireachtas and the patience of the people are being stretched. It seems ridiculous that, after three waves and many thousands dead, we are only now debating a system of quarantine for incoming travellers. After all, it is exactly 12 months since the controversy about the Irish people who travelled to Cheltenham and returned, many clearly bringing the virus with them.

This legislation must be supported in principle. We must try to stop Covid-19 at the borders, where possible. I wonder whether it is a little too late, however. If the UK, for example, lifts all restrictions on 21 June as planned, will that negate the effect of and the possibilities relating to this legislation? Can this legislation not simply be evaded by someone getting a flight to Belfast and then freely crossing the Border? Why is the USA being left off the list of restricted countries when cases are still very high there? Do all these issues render the legislation pointless or ineffectual? Do they make it a piece of virtue signalling by the Government so it can be seen to be doing something?

I acknowledge that the Bill raises significant constitutional concerns. Article 40.4.1o guarantees the right to liberty save in accordance with law. On balance, however, the very limited abrogation of that right in this Bill seems justified and proportionate in view of the clear evidence of virus variants arriving due to foreign travel. That is in stark contrast with the effective abolition of the constitutional right to practice one's religion, however, which we have seen and which I would question. I believe what the Government has done in that area has been outrageous and in flagrant breach of the provisions of the Constitution.

**Senator Paul Daly:** I am sharing time with Senator Byrne - two and a half minutes each. I welcome the Minister to the House and I welcome the legislation. I know it is a figure of speech when we welcome legislation but I wish I did not have to welcome it. I take umbrage with the argument that this legislation is too late. I firmly believe it is better late than never. The figures prove that 1% of the positive cases can be traced back to travel. This Bill, and the Minister can correct me in his summation if I am wrong, is variant related. We will never stop cases by either a travel ban or quarantine. This Bill probably would not be before the House today if it were not for the new variants and it is important that that message is put across. We seem to have got many mixed messages in the contributions earlier. The Minister is right to bring in the Bill.

The time is limited but I will put a couple of questions to the Minister. I welcome the sunset clause. The Minister might give us some indication as to the criteria he will use to extend the provisions in the Bill or when he believes we may have reached a point at which the measures could be finished or stopped. In that respect, where and when will vaccinations start to affect

the way we allow people to travel? I refer to somebody who has been vaccinated for a prolonged period before they travel. When does the Minister see that playing into when and how we can allow freedom of travel?

In the debate to date, and I accept it is a natural thing because it is the same when one talks to people outside this House, we seem to concentrate, even in the language we use, on airports. I stress that the Minister must make sure the measure is also policed in our ports. I am aware it is twice as difficult to police in ports. It is much easier to do in airports by virtue of the way people come in through airport channels. Ports, with vehicles and so on, are more difficult to police. Now that we have opened up our connectivity to mainland Europe because of Brexit, it may be even more difficult to police. It is vitally important, however, that we do not get carried away in the language that seems to concentrate on airports. We have to police this at ports also.

I had more points to offer but I have agreed to share my time.

**Senator Malcolm Byrne:** I am very grateful to Senator Daly for sharing time with me. I will echo some of my colleagues' comments. I question the reason this is a health measure as opposed to a justice measure and I also have concerns around civil liberties. I particularly agree with the remarks made by Senator Ward on the need for oversight because while people are in quarantine they do have rights and it is important that those are protected.

In the operation of this measure, and I raised this point with the Minister for Transport also, has consideration been given to the possibility of engaging with some of the tour companies and those who have experience of taking large groups of people from airports to hotels? They are underutilised at the moment and consideration should be given to engaging with a number of them.

I agree with Senator Daly on the question of when we will have freedom to travel because that is a question that will start to arise soon. Once we start to see large numbers of people being vaccinated, particularly the elderly and the vulnerable, the question of who is allowed to travel will arise. The Government needs to give us certainty on the question of vaccine certification, which will be the next step. Some response on that will be helpful.

I raise again the classification of family carers as key workers. We need clarification from the national immunisation advisory committee, NIAC, on that as a matter of urgency.

Senator Keogan said, "Better late than never", on Government policy. I welcome her conversion because she now talks about a rapid roll-out of the vaccine programme, yet in this very House, on 10 November, she asked questions about the efficacy of the Pfizer vaccine. I think it is very rich to go from vaccine sceptic to now be criticising the Government about the speed of the programme.

One of the other issues that has to be addressed is around some of the conspiracy theorists, who are the real ones undermining a lot of the effort and who are responsible, ultimately, for what happened on Grafton Street this week, including conspiracy theorists in these Houses. There are people in these Houses who have been driving the conspiracies around Covid and other matters, and they need to be called out. Those political parties which have those people as members, as Deputies, need to call them out and get them to apologise for their actions.

**Acting Chairperson (Senator Mary Seery Kearney):** I call Senator Paddy Burke, who is sharing time with Senator Garret Ahearn.

**Senator Paddy Burke:** I welcome the Minister to the House. It is hard to get everything into two and a half minutes. The Minister has a hard task and I have great sympathy for him. Like Senator Chambers, I also think this should be a justice Bill but, as the Minister has control of health, I presume that is why he is dealing with this legislation.

Like Senator Ward, I have questions to ask in regard to section 31AA. This looks very much like retrospective legislation. I ask the Minister in his summing up to elaborate on this because I would never be in favour of retrospective legislation. I ask the Minister to outline how many fixed penalty points are involved in this retrospective legislation, which is an important point. If we go down the route of retrospective legislation, where will it end in regard to other legislation that has to go before both Houses of the Oireachtas?

The Department is very slow in rolling out antigen testing, which takes place in other countries. We met recently with Aer Lingus pilots, who told us they have been advocating to the Department and the Government in regard to people coming into the country doing a PCR test and that there would be antigen testing at the airport so that, before they left the airport, they would need to have a negative antigen test or they would go straight into quarantine. That has not been rolled out. The Department has been very sceptical about antigen testing, although we read recently that it seems to be going down that road. It is known that other countries use antigen testing in meat plants and in other locations to find out where the problems are. I believe Department of Health staff are using antigen testing and, if that is the case, why is it not being rolled out at airports? Unfortunately, I am out of time.

**Senator Garret Ahearn:** I welcome the Minister to the Chamber. I acknowledge the number of times the Minister has come to the Seanad, which is very much appreciated. Any time he has been asked to come, he has, and I thank him for that.

I welcome this Bill. As Senator Byrne said, it is funny how Opposition Members seem consistently to change their tack on a few things. They are now all in favour of total lockdown. As Senator Byrne pointed out on Senator Keogan's contradictions, I remember that back in December she wanted spectators at the All-Ireland final, but now everyone needs to be locked down and to stay at home and be safe.

What the Minister is doing is right. It is important we welcome this. I think I was the first in the Seanad to speak in early October about how we needed to bring in stricter measures in terms of fines to keep people at home and to keep people safe.

**Senator Sharon Keogan:** The Senator has accused me of saying I wanted spectators at all-Ireland finals.

**Senator Garret Ahearn:** Yes, Senator Keogan said that.

**Senator Sharon Keogan:** I wanted two family members of those who were playing to be able attend Croke Park. I did not say spectators.

**Acting Chairperson (Senator Mary Seery Kearney):** Senator Ahearn is in possession.

**Senator Garret Ahearn:** The real message we need to get out is that while this is an important measure which will hopefully reduce numbers, it is not the only measure. Anyone who thinks locking down the country to prevent people coming in will stop this virus on its own is completely mistaken. There are measures we can all individually take and it is important we

do so.

Looking at the protests in Dublin at the weekend, it is clear there is a certain group of people who have no interest in adhering to rules. Statements we make as public representatives have an impact on people like that and give them the justification to do as they please. I find it amazing that 23 people who appeared in court on Saturday or Sunday night were let out on bail. Having witnessed what happened in those protests, it is unacceptable that people were allowed to go home to their supporters and be seen almost as heroes for what they did. I thank the Minister for attending.

**Senator Sharon Keogan:** May I correct the record?

**Acting Chairperson (Senator Mary Seery Kearney):** No. The Senator had her time to speak.

**Senator Alice-Mary Higgins:** If Members ask for the record to be corrected, they should-----

**Acting Chairperson (Senator Mary Seery Kearney):** The Senator can make a brief clarification.

**Senator Sharon Keogan:** I want to address this. I have a number of questions on the issues I put to the Minister. Can the Minister obtain data from Pfizer or Moderna demonstrating that these vaccines will significantly reduce hospitalisations?

**Acting Chairperson (Senator Mary Seery Kearney):** The Senator has an opportunity to make a clarification and is straying.

*(Interruptions).*

**Acting Chairperson (Senator Mary Seery Kearney):** We are running out of time for the Minister to speak.

**Minister for Health (Deputy Stephen Donnelly):** I thank all Senators for their contributions. I am delighted to be back. The debate in this House is excellent. I thank Senators for their kind words and for the debate.

This legislation is no joke. I agree with various Senators who said they would never normally support legislation like this. I would never normally support legislation like this. This is emergency legislation and one of the safeguards we have in it is a sunset clause. Every three months, which is a very short period of time, it has to be passed by both Houses of the Oireachtas. That is an important safeguard.

Various Senators raised the amount of time provided for this debate. I was simply told to be here. I had no input into that. Just so we can all remain friends, I am more than happy to debate the Bill for as long as possible because this is serious. It provides for depriving people of their liberty for a two-week period in a designated facility, which they are not allowed to leave, when they have committed no crime. Let us take it as such, and I know we do.

A common issue raised is in regard to the number of countries covered. Various other questions were asked but at the core of this debate has been the suggestion by some that more countries need to be added. Some of the amendments we will discuss would require that all countries be covered. I will address that. When I brought this legislation through the Dáil on

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Thursday, there were 20 countries on the list. As I stand here, there are 33 countries on the list and, as advised by the Chief Medical Officer, that number can be raised. Some Senators are saying it needs to be the entire world but we are being led by public health advice on this and we have added the 33 countries that public health officials have advised. It would be incorrect to suggest this legislation is limited to 32 countries; the Minister for Health can designate any number of additional countries. That is important. A wide variety of factors can be considered. Section 38E empowers Minister for Health to designate additional states “where there is known to be sustained human transmission of Covid-19 or any variant of concern or from which there is a high risk of importation of infection or contamination with Covid-19 or any variant of concern by travel from that state”. Many factors can be considered in adding countries to the designation.

Critically, any measure that requires mandatory quarantine must be proportionate. It must be in line with EU law and the Constitution. Many statements were made in the Dáil last Thursday to the effect that everybody needed to be added. It was the view of the Labour Party, Sinn Féin and a few others. I made a point on this in the Dáil but it was ignored by the Labour Party and Sinn Féin. I would like to make it again in the hope that it is not ignored: we have included a test for proportionality in order that this legislation will be legally robust. The question before us is whether we want to pass legislation that is not legally robust or legislation that is legally robust and gives us a pathway to everything that is being asked for. That is the question for us as legislators. While we will debate this further when dealing with the first set of amendments on Committee Stage, the main consideration regarding how many countries we add is whether we want a legally robust, evidence-based, public health-led mechanism or one that is not legally robust. That is the question we have to answer.

Various comments have been made to the effect that there is nothing in place and that the country is wide open. It is not. Mandatory quarantine is in place in Ireland for all incoming travellers. Mandatory home quarantine is in place and it is legally enforceable. The preflight PCR test is in place. Fines for non-essential travel are in place. Genome sequencing has been very significantly ramped up. We are now at 15% of all positive tests. Travel visas from a wide variety of countries have been suspended. Domestic travel measures have been applied to people coming into the Republic from Northern Ireland. There are very significant measures already in place. This measure is simply the last of those. I thank Members again for their contributions and I look forward to Committee Stage.

Question put and agreed to.

**Acting Chairperson (Senator Mary Seery Kearney):** When is it proposed to take Committee Stage?

**Senator Regina Doherty:** Now.

**Acting Chairperson (Senator Mary Seery Kearney):** Is that agreed? Agreed.

## **Health (Amendment) Bill 2021: Committee and Remaining Stages**

Section 1 agreed to.

### SECTION 2

**An Cathaoirleach:** Amendments Nos. 1 and 9 to 11, inclusive, are related. Amendments Nos. 10 and 11 are physical alternatives to No. 9. Amendments Nos. 1 and 9 to 11, inclusive, may be discussed together, by agreement.

**Senator Ivana Bacik:** I move amendment No. 1:

In page 5, to delete line 2 and substitute the following:

“ ‘designated state’—

(a) on the coming into operation of this Act, means any country, territory, region or other place outside the State other than Northern Ireland,

(b) if at any time after passing a resolution under *section 9(5)* of the *Health (Amendment) Act 2021* both Houses of the Oireachtas so resolve, has the meaning assigned to it by section 38E(1);”.

I will speak specifically to amendment No. 1 although I realise it is part of a group. Amendment No. 1 is the Labour Party amendment and the one that was tabled in the Dáil and saw, almost uniquely, a uniting of Opposition parties. Almost all Opposition Deputies were in support of it.

As I said on Second Stage, the Labour Party supports the Bill but believes that it does not go far enough. I listened very carefully to the debate on Second Stage and to the Minister’s response. I thank him for his kind words about the Seanad and agree with him. As an aside, the Seanad is generally a good forum, and a respectful and courteous place or arena for debate. That is usually the way we conduct our debates. It is unfortunate that some Government Senators personalised the debate but not the Minister because it is important that we debate these issues rationally, courteously and respectfully.

I note, very importantly, the safeguards in the Bill that the Labour Party very much supports - the sunset clause and the careful appeals mechanism. I take issue with the Minister and his rhetorical question, that he put in a proportionality test and that to extend the list of countries too far would be disproportionate and would mean the Bill was not legally robust. That is not my legal view. That is not the view of many constitutional lawyers who have spoken about the principle of extending mandatory hotel quarantine. I would argue that there is a clear evidence basis for extending further the list of countries. Indeed, as the Minister said, the list of countries has been extended from 20, initially, last week to 33 now. The clear evidence we have that has been presented by the Independent Scientific Advocacy Group and, in particular, the evidence in the study conducted by Professor Paddy Mallon and his colleagues, provides adequate justification to satisfy a proportionality test were we to see an extension of the list of countries to cover all arrivals that are on non-essential business from other countries. This is not, in the Labour Party amendment, a travel ban. It is simply an imposition of mandatory hotel quarantine restrictions on those who travel for non-essential purposes into and out of the country. Our amendment would define all states outside Ireland as capable of being designated states. It would be subject, of course, to the sunset clause but it would facilitate a curbing of transmission or it would help, as part of a package of measures, to curb the onward transmission of the virus.

I noted the Minister’s comments that we currently have mandatory home quarantine and that this is enforceable. The key point is that it is enforceable but it is not enforced and we all know this. Around the country everyone has seen the real visibility of friends and neighbours

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coming back from other countries and that, as we know, has undermined the public's compliance with measures. I would stress again, as I said on Second Stage, that it is very hard to continue to justify the draconian restrictions that everyone resident in Ireland continues to live under, with the 5 km restriction and so on, yet see a failure to enforce and a failure to send a clear message about the current ban on non-essential international travel. If friends and neighbours are coming back from holidays or dental appointments in the Canary Islands, it is very hard to see relatives and friends being stopped from going outside 5 km for exercise and continue to live under draconian restrictions. That is a key point.

Others have made the point about the difficulty with consistency, that if we now have 33 countries on the quarantine list then why not extend that further. Why not work with the other jurisdictions on these islands to have the sort of travel corridor we see between Australia and New Zealand? Why do we not work with other countries? It was interesting to listen to the Government Senators say that Ireland is the only country in the EU to adopt mandatory hotel quarantine through this legislation. Yes, but the UK has had mandatory hotel quarantine in place since 15 February. While we may be the only country in the EU to adopt this sort of measure, our nearest neighbour has already adopted it and has a list of 33 countries. We have seen in other EU countries border controls being imposed in recent weeks as the new variants have spread through countries like Germany and elsewhere. So there is a clear concern among EU member states about the transmissibility of new variants and the need to ensure curbs on transmission through stricter border controls.

I am conscious of the time although I am glad that the time for this debate has been extended to 4.30 p.m. so that gives us a little more time. I urge the Minister, as Government Senators have said, some of whom have been very critical of the Government, that it is better late than never. The Labour Party amendment gives us a chance to enable the adoption of a coherent strategy to suppress Covid, not just to live with it.

*3 o'clock*

We know that the Government's proposed plan for living with Covid has meant rolling lockdowns, with the prospect of further lockdowns as the vaccination programme goes on. Unless we see a rapid acceleration of that programme, we are facing prolonged and further lockdowns. Looking at the NPHET briefings, I note its concerns about the autumn and, unless the whole world is vaccinated fully, it may not necessarily be safe to open up fully in individual countries.

I am a huge proponent of vaccines. We all wish the Minister the very best with the vaccination programme. I do not agree with Senator McDowell and think it is wonderful to see photographs of Catherine McGuinness and other individuals getting their vaccines. I know from friends who have received it how joyful an occasion it is. However, the programme is progressing so slowly. I know that it is about supply. We are hopeful that the vaccination programme will accelerate in the coming months.

We cannot rely entirely on vaccination, however. We have to adopt a package of measures to ensure that we do not continue with this lack of coherence in our strategy, rolling lockdowns and prolonged school and workplace closures, and the impact on so many people as a result. If mandatory hotel quarantine for non-essential incoming and outgoing travel is a good and effective way to curb the virus, it should be introduced as part of that package. I simply do not understand why the Government has an ideological or, indeed, a practical objection to extending it.

Many of us take the view that if the variants continue to spread, we will see the list of 33 countries expanded further. We may well be asking ourselves in a month or two months' time why did we not just grasp the nettle when we introduced this legislation and go further to take the radical step towards a national aggressive suppression strategy. We may ask why we did not seek to really clamp down on transmission of the virus and suppress it within this jurisdiction with the powers contained in this legislation. There has been an unfortunate failure to grasp that we did have that chance at zero Covid before and that we could have it again. The Labour Party's amendment, which had united Opposition support in the Dáil, offers us a way to proceed and to ensure we will have a good chance of suppressing the virus and of returning to a reopening of society, schools, workplaces, as well as, crucially, saving lives. I urge the Minister to accept the amendment.

**Senator Niall Ó Donnghaile:** I will not prolong the debate needlessly. I referred to all of our amendments in my earlier contribution.

The purpose of amendment No. 9 is fairly clear. I just want to touch on the point made by Senator Bacik on her amendment and the Minister's concluding statement on Second Stage about the jump from 20-odd countries on the list to 32. We are seeking, as we always do in this House, through our amendments to make this legislation as robust and as steadfast as it can be. We are not advocating a uniformity for the sake of it. We are doing it because, as we have said consistently, this is about suppressing the virus and keeping people safe. We have a divergence of opinion, however, on how best to do this. If these amendments were to be accepted, they would strengthen this legislation. Amendment No. 9 is clear in what it seeks to do and how it is laid out. I endorse what Senator Bacik said in the context of what we can do and what we should be doing in this scenario. It is not beyond us.

No one is looking to be overly repressive. We understand the delicacies involved. We have all come through the past year. I acknowledge and accept many more people out there have come through it with much more difficulty than I have. My family has been lucky, thank God. Many other families have not been so lucky. These amendments are worth reflecting on. They will serve this legislation and the Minister's work going forward. That is the intention behind them.

**Senator Paddy Burke:** I believe the former Minister for Justice and Equality, Deputy Shatter, had an agreement with the UK that anyone from elsewhere in the world travelling on a visa to the UK could automatically come to Ireland. There was an agreement between the two countries. I am wondering, in cases of people travelling on visas to the UK, whether that agreement is still in place, if this legislation will revoke that agreement and if it deals with that aspect of it. My second point concerns the free movement of people within the EU. If the case numbers in some EU countries were to get out of hand, would this legislation cover hotel quarantine for travellers arriving from EU countries?

**Senator Martin Conway:** The fact that travellers must have a negative PCR test result, no matter where they are coming from, probably answers Senator Burke's question.

On the amendment, I have great regard for my colleague, Senator Bacik, but with the greatest respect, I think the amendment is completely over the top. It is correct that the UK has mandatory quarantine measures in place. However, we are a member state of the EU. From the onset of the pandemic to date, the EU has handled the situation much better than the UK. As a matter of fact, Ireland has handled it much better than most European countries, if not

all of them. Why would we mandatorily quarantine a person coming from a country that is Covid-free? That does not make sense at all. There must be proportionality about this. As the Minister quite rightly pointed out, this is the most stringent quarantining legislation in Europe.

I listened to Deputy Kelly speaking before Christmas. He wanted everything to remain as it was prior to Christmas until 6 January 2021. Therefore, it is a good job that the Government decided to close everything down on Christmas Eve and did not follow the advice of Deputy Kelly to keep everything open until 6 January. This is an evolving situation, but amendments such as that tabled by the Labour Party are completely and totally over the top. With respect, there is more headline generating going on now than dealing with the problem and the challenges that we face. By and large, the Labour Party put down very reasoned amendments in this House over many years, but I do not know how it can stand over this one. It is like using a sledgehammer to crack a nut.

**Senator Ivana Bacik:** I will use a sledgehammer if necessary. Covid is much more than-----

**Senator Martin Conway:** Is the Senator advocating zero-----

*(Interruptions).*

**An Cathaoirleach:** The Senators are quite entitled to debate. It is Committee Stage, so the Senator is entitled to reply. In the absence of anyone else indicating, I will move on. The next speaker is Senator Higgins.

**Senator Alice-Mary Higgins:** I would hope not in the absence.

**An Cathaoirleach:** Apologies, Senator. I was referring to the two sparring parties.

**Senator Alice-Mary Higgins:** I am reluctant to join in. I must say that I am a little bit surprised. With very notable exceptions, there has been very constructive debate from many Members on the Government side, but the swinging accusations in this House today have come from the Government benches, and it is not constructive. Let us be clear, there was a moment when we were doing very well in Ireland. A survey across Europe showed the reason we were doing very well was that we had the highest levels of compliance by individuals. Ireland was not doing great on testing or in our public health system readiness, but we had extremely high social compliance. That is why putting in place those measures, so that we show people have been pushed, and listening to people on those issues are really important. When we talk about this we should be clear that Ireland was very close to zero Covid. It was very close to a position where we would have at least kept our numbers very low but decisions were made specifically to emulate the Belgian model. That was the position advocated by the Tánaiste who talked about Belgium. We followed some of the measures in respect of Belgium and we saw the results.

When people pick out sentences that members of the Opposition uttered, we need to be clear that many of us have been advocating consistently for a more cautious, thoughtful approach for nine, ten or 11 months. Let us listen to each other and not try to reinvent history when it comes to the Government's position. I am glad its position is evolving but poor decisions and changes in policy just before December brought us to this position where it may seem that zero Covid is very difficult to achieve. However, that was not always the case.

The vaccine roll-out is very important and I share everyone's concerns about who is getting it. I am also concerned about the global roll-out of the vaccine.

**Senator Niall Ó Donnghaile:** Hear, hear.

**Senator Alice-Mary Higgins:** I am concerned that Ireland, as a member of the UN Security Council, needs to do more to address the blockages with regard to intellectual property to ensure we see a push to scale up production. Those issues really matter. The slow roll-out of the vaccine globally is not the solution. The solutions we have are prevention, precaution and protective measures, which are what these amendments are about. There are some precautionary measures in the Bill but I am concerned that they will not work as they should because they are limited and contain very large loopholes. As a result, people will appear in the media stating that travel bans or limits do not work. Our objective is not a travel ban but to raise the bar on travel so that it comes at a cost, not only to society but also to individuals in that they must consider the cost to themselves financially but also in planning the time.

I hope that when the Minister responds he will not simply push back, as he has and I know he will, on the blanket application of mandatory hotel quarantine, as proposed by the Labour Party and Sinn Féin. I will support their proposals, although I believe my amendment, which is somewhat more moderate, is a good compromise. The Senators make a very strong case. If the Minister rejects that case, the onus is on him to prove that there is real enforcement of all the other measures. Can we prove that we are enforcing the mandatory quarantine which the Minister says exists for every person, irrespective of whether he or she is from a designated country?

What measures are being taken around essential travel? We hear a great deal about tourism and holidays. I am concerned about business travel, people who have a meeting two or three days after their arrival and then leave a week later. What measures are being taken in respect of those people? A Government Minister, perhaps the Tánaiste, gave the example of a meeting in London. What is being done with regard to meetings and that kind of travel? Cheltenham was mentioned. What exactly will we do ensure there is no Cheltenham spike, as happened last year. This time last year, many of us called for restrictions on international travel to avoid events such as Cheltenham having a negative impact in Ireland.

My amendments in this group, amendments Nos. 10 and 11, represent a midpoint where we will have full application of hotel quarantine, which is a good idea, to ensure we do everything we can to create a seal. This will allow us to address and aggressively track and trace cases of Covid-19 and also ensure that large areas of the country are protected from Covid-19. The 5 km and 20 km limits are ironic because those who arrive at our airports and ports are not limited but can travel to any part of the country. At a minimum it would address this.

My amendments seem to recognise the concerns the Minister has raised in respect of EU law. They also try to ensure we will have an equity of the application of criteria. They suggest that where designations are being made under the sections as outlined by the Minister in respect of variants and Covid risk levels, those health criteria and considerations should be equitably applied in respect of all other non-EU countries and territories with the exception of Northern Ireland.

I recognise there may be places where EU responses need to be collectively addressed and there may be EU-wide measures in respect of the restrictions on motion and the measures to

enforce the restrictions on movement. I have tried to leave this space in the legislation while also pressing the Minister to ensure we have equitable application because there is a concern. It does not really ring true that we would have predominantly countries from the global south on the list and other countries, such as the United States, are very prominently not on the list at present. There is fear at the moment because of incredibly high instances of Covid-19 in the United States. Just yesterday, it had 50,925 new cases and it has one of the highest death rates in the world. It also has the B117 and B1351 variants and the P1 variant. As I already mentioned, the B1427 and B1429 variants are particularly prevalent on the west coast of the United States.

The legislation would seem to suggest the designated country factors would certainly apply to the United States. This is the concern. Will there be equitable application? Will it simply produce a list of countries that we do not mind offending or that are somehow on our diplomatic list? It looks like this at present and it is a concern. I understand why some of the countries are there but there are very clear gaps with regard to what countries are being designated at present. What assurances can the Minister give us that this will be addressed? It really should not be the case.

There is another factor, which is, of course, major international hubs. People do not simply travel directly from a country. In fact, many of the countries on the list do not have direct flights to Ireland. What are the measures in respect of people travelling for great lengths of time through major international air hubs where people come from every country? I am concerned that this is the type of loophole that will lead to the legislation not being as successful as it should be and, as a result, in a couple of months' time we will have people pushing back and saying we should not have restrictions on air travel because it does not make a difference. This is my concern and I hope the Minister can address it.

I also hope the Minister will consider accepting my amendment in this regard. If he will not accept it in its letter, I hope he will be able to convey to me how he hopes to apply it in spirit. I also hope the Minister might consider my other amendment, which makes reference to Covid-19 or any variant thereof. It is just to be very clear on this. Perhaps the Minister will assure us that all variants will be covered by the legislation. It is a concern I have heard expressed by people with regard to the legal tightness of the language.

If we do not have time to address this matter fully today, I hope the Minister will return to the House and speak to us about what is happening in respect of all those people coming from non-designated countries. At present, it seems they fill in a form and one or two will get a call from a garda. This seems to be what is happening and it is not enough.

**Senator Ivana Bacik:** I was not going to come back in but I take issue with colleagues in government who have suggested our Labour Party amendment is a sledgehammer to crack a nut. Covid-19 is very far from being the latter. It was unfortunate language and I am sure it was not intended. Unfortunately, this is an emergency and we are all well aware of it. We all know how many people have died so tragically after being infected and how many lost their livelihoods or had businesses disrupted or shutdown for good. There has been a major imposition on children, people with disabilities and all of us in society. This is a case that clearly calls for the sort of emergency measures we would never contemplate in any other context. I am urging colleagues to support the amendment because it goes further. The Minister knows we support the Bill but we want it to go further.

By going further, extending the powers for mandatory hotel quarantine and ensuring that the laws banning non-essential inward and outward travel are enforced, as well as enforceable, this will help to engender and create an even stronger sense of public goodwill and solidarity, which we saw so strongly during the first lockdown but which has clearly been eroded by the reports about people engaging in non-essential travel. There is no question about that. It is eroding public compliance and goodwill and creating a great deal of discontent and disquiet, as well as being scientifically proven to have helped cause greater levels of transmission.

I remind colleagues of the study by Professor Paddy Mallon and colleagues which made it clear that the types of virus circulating in the first wave disappeared through the first effective lockdown last year but that the second wave was dominated by new variants from overseas, with the most devastating third wave spread by inward travel and social mixing over Christmas. The latter spread new variants far more widely. I make no apology for having changed views. All of us have changed views as we have gone through the past year, seeing the awful ways in which the virus has changed with dangerous new variants emerging. It is absolutely right for us to then change policy accordingly. Where the Government is to be criticised is for not changing sufficiently to take account of the new variants and not changing to ensure that we see greater consistency in a more effective approach taken in line with scientific evidence.

We all hope very much that the strategy for living with Covid works. My party and I strongly support the accelerated vaccination programme. We will do all we can to assist it and be constructive. Nonetheless, we are all very anxious about inward and outward travel and the evidence which demonstrates that the spread of the virus is accelerated when we do not impose controls on non-essential travel into and out of Ireland. That is the crucial point we make with the amendment. We are not proposing a ban on travel, we are simply proposing a way of making it more inconvenient for people to engage in the sort of non-essential travel we have seen too much of in recent months. In this way, we can help in a package of measures to suppress the virus and address the onward transmission issues.

To those who say travel only accounts for a tiny proportion of cases, the evidence is again clear that a small number of cases can be traced to inward travel but that travel reseeds and helps to spread new and far more easily transmissible variants. We need to invest far more in public health and our capacity to track back so we know the source and can control outbreaks where they occur. We are all rooting for strategies to address Covid-19 to work and we all want to see suppression of Covid-19. We differ in the approach to be taken and my party seeks an aggressive suppression strategy. Our amendment is in line with that.

**Senator Barry Ward:** My understanding of the amendment is that it seeks to take from the hands of the Minister the right to designate certain countries that require measures to be put in place and replace it with a blanket application to every country, territory or place outside the State. That is fine on one level and it appears to be what the Labour Party and others advocate. I accept their right to do it. As Senator Conway stated, however, it is using a sledgehammer to crack a nut. We can worry about the wording but it is not that unfortunate an expression; nobody is suggesting Covid-19 is a small matter. It is not what Senator Conway was suggesting. He did suggest it is an overly onerous and inflexible measure that does not allow the Department, the Minister or the State to react to changes. If there is one thing we have learned about Covid it is that the situation changes all of the time.

With regard to section 2 and the new section 38E, were we to pass this amendment and change the section to specify that section 38E will define a designated state as applying to every

country outside the State, as Senator Conway has noted that would prevent us in the future from removing the restriction, for example, from those countries where there is no Covid. The point was made that many countries on the list currently do not have direct flights to Ireland, which of course is true but they do have onward tickets and it is possible to identify people who have travelled from a particular country. This can also be asked of somebody on arrival in the State.

We cannot pass this amendment because the whole purpose of this House is to set down a framework for laws. In many instances, as we have done in thousands of items of legislation, we delegate to the Minister of the day the power to make regulations because it is much easier to change regulations. Examples of this include everything from the misuse of drugs regulations to television licence regulations. Regulations allow for flexibility because the Minister, the Department, the officials, the advisers and the people on the ground know when things need to change. If, for example, we decide that we are not going to designate Iceland any longer because Iceland has no Covid, then we should be able to do that. We should not have to come back here to pass a new Bill to do that. It should be possible for the Minister to do that at the stroke of a pen. The proposed legislation as currently phrased allows the Minister to do that. This amendment would prevent the Minister from doing that and would mean that the framework we are trying to put in place would be rigid and inflexible. This is why we cannot pass the amendment.

**Senator Lorraine Clifford-Lee:** I will make a brief contribution. I do not wish to delay the debate on the legislation as we have a lot of work to get through. I believe it is disingenuous of some Members to point the finger at the Government for changing its position. This virus has been changing and evolving over the past 12 months. Positions change when the facts change. We have been moving rapidly and have done a good job in Ireland, despite what some people want to say. We have maintained social solidarity.

Perhaps Members of the Opposition will acknowledge their own changing position. On the one hand, people were calling before Christmas for the wet pubs to reopen and now suddenly they want to have a completely different and disproportionate regime put in place. Senator Ward rightly pointed out that the current proposed legislation will give the Minister the flexibility that is needed to move in a rapidly changing environment.

Quite honestly, it is very surprising to hear Senator Bacik advocating for this completely disproportionate measure. I am surprised because I am used to Senator Bacik's contributions in the previous Seanad in particular. I feel that maybe this one is not in keeping with her own views on the issue. Non-essential travel-----

**Senator Ivana Bacik:** On a point of order-----

**An Cathaoirleach:** Senator Clifford-Lee without interruption. Senator Bacik can come back in.

**Senator Lorraine Clifford-Lee:** I do not mean to offend but I do feel that-----

**Senator Ivana Bacik:** The Senator is personalising the debate-----

**Senator Lorraine Clifford-Lee:** I am not personalising the debate. I believe that the Opposition are being completely negligent in trying to say that we are personalising the debate and that we are trying to throw angry language and anxiety-inducing statements into the debate. We need to be responsible. People are anxious enough at the moment. We are putting in place

very important legislation. Taking potshots at the Government to get likes on social media is not the position we need to be in at the moment. People are really suffering and we need to have a co-ordinated approach to this. People need to just come on board. Non-essential travel into Ireland is down to an absolute trickle. I live not far from Dublin Airport. I talk with workers in Dublin Airport on a regular basis. Inward travel is down to an absolute trickle. To suggest anything else on anybody's behalf is completely negligent. It is irresponsible because that is not what is happening. People are anxious and they do not need to be led astray by suggestions that floods of people are coming into the State on holidays and for God knows what else. That is not the case. The proportionate measures contained in the legislation are right and proper. There are 33 countries on that list and countries can be added or removed from the list if the situations in those countries improve. I mention the sunset clause. We will be back in here in three months and we can debate the merits or demerits of it at that stage. I know the Minister is open to improving anything in the system. His door has always been open and I have gone to his office with many concerns and queries, as I am sure other Members have in recent months. We need this legislation and we need it to be proportionate to the threat we are facing. It is going in line with all the other measures, including the roll-out of the vaccine schedule and the schools reopening. It is incumbent on us all to pull together for the last few months of this and to try to make sure we will be in a better position in a couple of months.

**An Cathaoirleach:** Does Senator Bacik wish to come back in?

**Senator Ivana Bacik:** I do not wish to prolong the debate, although I am going to call a vote on this amendment. I just want to state we should not personalise the debate and I have resisted doing so. We should be courteous and respectful.

**Senator Sharon Keogan:** Nobody wants to personalise the debate. We are all here to serve the people and to do the best we can throughout this crisis. Last July in this House, I was one of the first to call for PCR testing at our airports and ports. We want to keep our country open for business and we want to do it safely. PCR testing was only introduced in December. Members on this side of the House have provided good ideas but they have not been taken on board by the Government. The Government has no real solution for Covid except lockdowns and vaccinations and we have to wait for the vaccinations to be rolled out.

There are countries on this list, and I will take the United Arab Emirates from the category 2 list as an example. Some 61 doses of vaccine per 100 people have been administered in the United Arab Emirates and in Ireland we have administered a vaccine to eight of every 100 people. What is the scientific rationale and evidence for having the United Arab Emirates on that list?

We are here to offer constructive criticism and to do our best to support the Government in what it is doing. There are eminent people on this side of the House who know a lot more about legislation than I do. There are also some of us on this side of the House who have good ideas on how to run companies and businesses, and it is important the Government takes those perspectives on board.

**Minister for Health (Deputy Stephen Donnelly):** I thank my colleagues for all their contributions. It is an important and healthy debate and long may we continue to have it. Nobody has all of the answers. The Government does not have all of the answers, nor is there a government anywhere in all of the world that does. It is essential we have a debate and that we listen to each other because we are ultimately trying to achieve the same thing. We want to keep

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people safe, out of hospital and alive and we want to try to open up normal life in our country as much as we can.

The toll on people, life, health, mental health, isolation and loneliness has been brutal, vicious and prolonged. People are at their wit's end and we all know it. We all know lots of people, including friends, family, constituents, neighbours and colleagues who have had enough and it is wearing people down. What I, the Government and all of us want is to find some way of suppressing this virus while allowing people to have some sort of a life. People are talking to me and saying they have not hugged their mums or dads in a year, they have not seen their grannies in a year and they have not seen their friends. It is brutal and the measures that are in place are taking a real toll. The great challenge we have, and every country has, is that the very things we all need to do, that is, meet people, meet up with friends, play a bit of sport, go and see a bit of live music, go to our friend's house, go to the pub or whatever, are exactly the things that this virus needs to replicate. It is harder now than ever for a few reasons. The first is that people are tired. Many people have been left in an awful state of mental health and isolation. Economically, people have lost their jobs and their businesses. It has been brutal. That is part of it. We are a year in now and we are facing this. The second reason is the variant, which now is well in excess of 90% of new cases. It is like dealing with a different disease. It is much more contagious and it turns out it is more severe. The data from the UK show it causes significantly more hospitalisation and death and it needs just the slightest opportunities to spread. That is what we are dealing with. We can all, hopefully, leave as much of our politics as we can outside the door because, ultimately, that is all this is about. That is all anybody is trying to do here. I thank the Senators for the debate and long may it continue.

Why should we go with the approach in this legislation? That is to say if, having looked at the evidence from around the world, the Chief Medical Officer tells the Minister for Health that he thinks I need to add the following 20 countries or 13 countries, I or whosoever is in this role as Minister for Health, takes that advice on and then can designate those countries quickly on the same day. Why do that rather than the alternative being proposed by some Senators and some other political parties, which is essentially just do it for the entire world? It is because behind that proposal is zero Covid. Senator Bacik has referenced it and referenced the independent scientific group, and zero Covid was referenced in the Dáil as well. For what it is worth, zero Covid is a very seductive idea. We can look at New Zealand and ask can we not just have that. We can ask whether we can not simply stop people coming into the country, after which we can all go about living our lives. We can ask whether we can not simply have what New Zealand has because, dear God, what we have now is very tough. That is part of the question. The answer that I have got from the Chief Medical Officer, from NPHET and from various experts - I accept there are highly credible people on both sides of this argument - is that it does not work in Ireland. New Zealand is an island 3,500 km into the Pacific Ocean that was not dealing with a more contagious variant, that got down to a very low level and was able to successfully implement it. Australia did something similar, although they had waves of it, with one of the waves coming from their hotel quarantine facilities. It is something we have to be cognisant of as we set it up.

I will make a few points on why we should not pursue zero Covid. Senator Bacik has repeatedly used the phrase "an aggressive suppression strategy". I would argue we have an aggressive suppression strategy but why not go zero Covid? In reality, if one lines up what we are now doing, including with this legislation, with the policy measures that are zero Covid, there is not much difference between them at this point. The main difference is time. For anyone who

is advocating zero Covid at this point - people in my own party are advocating it as are many others, because everyone is sick of what is going on and asking could we not just do that and would that not be great - it would be great but here is what it would require. It would require keeping the level 5 measures in place now for months and months. I do not know how long, but September, October or November. It would require not opening the schools. It would probably require going back to a 2 km measure for our homes. It would require a great deal of enforcement. It would require that there be no construction, no education and no businesses. There would be none of the little bits that we have like the coffee shops where one can pick up a coffee on one's walks. There would be no sports, no arts - nothing. To begin zero Covid, we would require everybody except the most essential workers to go home for months and months and months and months. That is what would be required to get to the starting point of zero Covid.

I will compare that to what is going on in the country. We know from the data we have that people are finding it harder to comply. One of the most important measures we watch for whether we are staying on top of this is the number of close contacts. It went down to two in January and it is now 2.6. In the past five weeks, it went up by 0.1 a week. This week, it has gone up by 0.2 and the overall figure has therefore gone from two to 2.6. The R-nought number is now close to 1. It is still below 1, but it is much closer to it now. The mobility data are moving and everybody who is on the road knows this. We can see more traffic. It is also getting warm. It is March now and soon it will be April and May. It is not possible to get everybody to stay at home and to close the schools, colleges, businesses and everything else until perhaps July, August or September. Who knows how long it would take? I do not know. Nobody knows.

We must think about the severity of the measures we already have in place. Almost nothing is open. We all know from Professor Nolan's work that the case numbers fell incredibly quickly but have plateaued. While we are seeing a massive reduction in the healthcare settings, we will see community infection beginning to rise.

I will set out my view. There is no question that zero Covid has worked for New Zealand. We would all prefer that level of disease prevalence in the country. Based on what is required to get there and on the current level of compliance with level 5, the public health advice is that it is just not possible, no matter how much people might want it, particularly with this B117 variant because it is so much more contagious.

What I said to my own political party when this was discussed at our parliamentary party meeting, and what I say to my colleagues here, is that the public health advice is that it is probably not possible. Anyone who would like to try to get there would have to stand over even harsher measures than those we have in place right now, potentially right through until the autumn. If that is what people are proposing, that is fair enough but that is what is required. In the Dáil, I heard certain members of the Opposition suggest that we could get there in four to six weeks. That is nonsense. There is not a chance that we could do so.

When we talk about zero Covid, we must talk about what it would actually require and whether the Irish nation or indeed any western European nation at this stage would be able to do that with the toll it would take. There would not be very much non-elective healthcare going on either.

**Senator Alice-Mary Higgins:** I am sorry, a Chathaoirligh, but can I-----

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**An Cathaoirleach:** I must ask that the Minister be allowed to continue, without interruption.

**Deputy Stephen Donnelly:** I ask colleagues to think about that. If zero Covid is not the answer, and I do not think it is, why are we doing what we are doing? The advice I have from the Attorney General is that this must have a proportionality test because it is about depriving people of their liberty for two weeks in a designated facility, which is a very serious thing to do. There needs to be a proportionality test. The second point is that it is public health-led.

The language used by Senator Higgins in putting forward this idea is that there must be consistency and that there is a question as to whether there has been favouritism. These are charges that are essentially being made against the public health officials providing this advice. I doubt if that is what the Senator means, and it may be that this is a charge that she is making against the Government, but this is a public health recommendation that we are getting. I point-blank refute the idea that our Chief Medical Officer is somehow playing favourites with one region of the world versus another. This is based on public health advice-----

**Senator Alice-Mary Higgins:** Has the Government asked for advice in respect of the legislation?

**Deputy Stephen Donnelly:** It looks right across. It is not fair to charge our Chief Medical Officer with playing favourites when it comes to giving advice on category 2 countries.

In respect of the position of Sinn Féin, which was highly critical of the Government's position in the Dáil debate, I will point out the following. The regime we are bringing in is very similar to the UK regime. As Senator Bacik said, it is pretty much the same countries that feature on both lists. They are very similar. I cannot find any Sinn Féin opposition to the UK proposal. There may have been but certainly a media trawl found no vocal opposition from Sinn Féin in Northern Ireland to the UK's proposal, which is exactly what we are bringing in here. If this Bill passes the House and the President signs it later this week, there will be hotel quarantine in place in England, Scotland, Wales - by proxy through England - and Ireland. The only jurisdiction on the two islands where there will not be hotel quarantine is Northern Ireland. Sinn Féin should reflect on that and see if it is something on which it wants to engage with its coalition partners in Northern Ireland because it is a gap in the biodefences of the two islands.

A charge that has been repeatedly made is that this Bill is better late than never. I have a briefing table issued by the Department of Foreign Affairs, which I will quickly summarise for the House. The system here will be the most comprehensive system of quarantine anywhere in the European Union. The charge made against the Government is that it is too late. We are moving first in the European Union. We will be the only country in the European Union with this in place. It is simply not credible to suggest this is better late than never. According to the table, there is no mandatory quarantine in a hotel or government facility, in other words, a designated facility, in Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland. In addition, in Cyprus and Hungary, it applies only to persons travelling from the UK; in Greece, it only applies if a person arriving has a positive test; in Iceland, it applies only if there is no alternative, in other words, where persons cannot go to their home to quarantine; in Norway, it applies to people travelling from high-risk areas but people can also do home quarantine, which we also have; and in the UK, the system almost the same as our measures. That is the position

in Europe so to suggest this is some sort of laggard move on the part of Ireland simply does not stack up.

The vaccine programme is slightly off topic but it was raised by a number of Senators. One contributor described it as a debacle, while another said it was progressing slowly. We would all love it to move at the speed it is moving in the UK. We have to accept that the UK is not in the EU, whereas we are part of the EU. We managed to advance purchase 18.5 million doses, which we would not have been able to do had we been outside the EU. Are the UK and Israel ahead of most other countries? Yes, they are and we accept that is the case. In the EU context, which is what we can control, we have consistently been one of the fastest roll-out countries. Not only that, but we are prioritising the highest risk people, which takes more time and effort and is more complex.

I want to say a few words in defence of the people who are rolling out the vaccination programme. The HSE is working seven days a week on this. We have covered long-term residential care facilities and we have made significant inroads into cohort 2, healthcare workers. Cohort 3 has started and there has now been a prioritisation for patients with conditions that put them at high risk. The country needs some hope. Everybody needs some hope. The vaccination programme is that hope. For it to be described in the Oireachtas as a debacle is nonsense and it does a disservice to the people rolling it out.

I was in Dublin City University, DCU, where there were 102 GP clinics and almost 1,000 people aged 85 and over. The Order of Malta was there and Dublin Airport sent wheelchairs. Medical students, general practitioners, practice nurses, DCU staff and the HSE were there also. The Air Corps has been flying vaccines to the islands in the west. I am proud to be part of this national effort and to be an Irish citizen or a resident here watching the apparatus of the State and our healthcare workers step up.

I encourage any of the Senators who can to go to a GP clinic to meet the GPs and people being vaccinated. The hope, emotion and energy is incredible. I encourage people to take a look. Of course, it is not all working perfectly and there will be many days and months when it does not work perfectly. We have never done anything like this before. However, the work going on across the country with our vaccination teams needs to be acknowledged.

I apologise for not getting all the miscellaneous questions but I will try to go through some questions. One Senator asked if this applied to EU countries as well as non-EU countries. Yes, it does. Austria is one of the designated countries. I was asked if we were looking at ports as well as airports. Yes, absolutely. It has to be done.

A question was asked about transiting through third countries. The way the legislation is set up is that one has been in one of these countries if one spends time in one, if one of these countries is one's country of origin or if one is transiting through one of them. The UAE is in because of the public health analysis and, in part, because there is much transit through the UAE. It catches a broad range of journeys. One cannot fly from Johannesburg to Schiphol Airport and come to Dublin claiming to have never been through Johannesburg. The legislation refers to being in one of these countries in the last 14 days, so it counts. There are very few exceptions. I asked the Department to draw up some examples of different types of trips and transiting different countries along the way. I am happy to send that to colleagues if it will be useful. It catches many people.

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I was asked if all variants covered. That may refer to amendment No. 11. The answer is yes. All current and future variants are covered.

I respect the positions being put here, which are contrary to the Government position. They are all being made with the best of intentions. Not all were made with the best of intentions by everybody in the Dáil last week but we are all trying to do the same thing. There is no monopoly on wisdom or on how to do this fully and comprehensively.

Senator Bacik asked if I would accept the amendment. I will not accept it for the reasons I have laid out but I ask, in turn, that the House does not vote on the amendment. The debate has been had and I respect the views. For what it is worth, my view is that the people need to see unity from their politicians. Some of what happened in the Dáil was politics. I spent ten years in those seats, so I am not averse to it. However, taking photographs of the voting monitors after the vote and sending them around social media and saying the Government has left the people at risk, I do not know about that. The more unity we have after the debates, the better. Obviously, it is in no way my right, nor would I suggest it is in any way. People will call the votes they want and they are perfectly entitled to do that. That is my counter ask.

**Senator Ivana Bacik:** I am conscious of time and do not want to prolong the debate. I thank the Minister for his very comprehensive response on our amendment No. 1 and this group of amendments. I fundamentally disagree with his analysis of what it would take to implement a more aggressive suppression strategy, in particular his analysis of how long it would take. However, there is clearly a disagreement.

I will press the amendment. It has been an important and constructive debate and generally a very courteous and respectful one. I thank all colleagues who have participated to support our amendment No. 1 and the other Opposition amendments. I again thank the Minister for engaging with the House.

**Senator Paddy Burke:** I thank the Minister for answering the question about other EU countries such as Austria. However, where some other EU country is involved, how is the information transmitted to people who will be travelling? Is it through the airlines or is it a Government notice? They could land here not knowing about this. How is it communicated to them?

**Deputy Stephen Donnelly:** It will be communicated in various ways. Some of it will be worked through in the operationalisation of this. One of the main things we want to see is that people are aware of the information when they are booking their flights. There will be a legal requirement for people to pre-book their own accommodation in one of the designated facilities. We are working closely with the carriers such that if travellers have not followed the steps needed ahead of time, including the preflight PCR test and booking quarantine, they will not be allowed on the plane or boat.

The Department of Foreign Affairs and *gov.ie* will have the updated information. However, what is essential is that people travelling understand and carriers do not let them travel until they have seen the validated documentation.

Amendment put:

The Committee divided: Tá, 13; Níl, 27.
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*Seanad Éireann*

Tá	Níl
Bacik, Ivana.	Ahearn, Garret.
Boyhan, Victor.	Ardagh, Catherine.
Boylan, Lynn.	Burke, Paddy.
Craughwell, Gerard P.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Malcolm.
Higgins, Alice-Mary.	Carrigy, Micheál.
Hoey, Annie.	Casey, Pat.
Keogan, Sharon.	Cassells, Shane.
Moynihan, Rebecca.	Chambers, Lisa.
Ó Donnghaile, Niall.	Clifford-Lee, Lorraine.
Sherlock, Marie.	Conway, Martin.
Wall, Mark.	Crowe, Ollie.
Warfield, Fintan.	Cummins, John.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Dooley, Timmy.
	Gallagher, Robbie.
	Garvey, Róisín.
	Hackett, Pippa.
	Kyne, Seán.
	McGahon, John.
	McGreehan, Erin.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	Seery Kearney, Mary.
	Ward, Barry.

Tellers: Tá, Senators Ivana Bacik and Marie Sherlock; Níl, Senators Robbie Gallagher and Seán Kyne.

Amendment declared lost.

Section 2 agreed to.

SECTION 3

**An Cathaoirleach:** Amendments Nos. 2 to 4, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

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**Senator Alice-Mary Higgins:** I move amendment No. 2:

In page 5, line 18, to delete “€4,000” and substitute “€2,000”.

Amendments Nos. 2 to 4, inclusive, and to an extent amendment No. 5, are related. They all point to a concern in respect of costs. There has been an incentive here and a wish. In a way, this is other sections of the Health (Amendment) Act that are being addressed. It is regrettable, and I share the concerns mentioned by Senator Ward, that the opportunity was not taken to address many other anomalies within the different sets of legislation that have gone through. The changes in fine levels reflect more of a desire for greater efficacy, but there were other anomalies, for example, the issue of “and-or” in one sentence in legislation, or the issue I proposed, which, unfortunately, has been ruled out of order, of what level of emergency, be it a level 5 or level 20 restriction, the protections against evictions would apply at. An opportunity is being missed here to fix some foreseen and some unforeseen anomalies in the legislation that has gone through, again in a constantly rushed fashion, over the past year.

There is an attempt here to address the question of fines and whether they act as a disincentive or are being absorbed into the cost of planned travel. My concern is the level of fine being proposed now. There is perhaps a big difference between €100 or €500 and €1,000, but for people who are extremely wealthy, the difference between €2,000 and €4,000 is not as huge as it should be to create a disincentive. If a person is disincentivised by a fine of €4,000, he or she will be disincentivised by a fine of €2,000. Those who are in a position to ignore a fine of €2,000 are probably in a position to ignore a fine of €4,000. My concern is that this could have a hugely disproportionate effect and we could end up with a whole category of persons who, effectively, would have a record because they have a debt to the State that they are not going to be able to pay, and we have a lot of people in this country who have an income of €20,000 or less. We must also bear in mind that each member of a household could have to pay such a fine, so this really could be crippling. I tabled amendments Nos. 2 to 4, inclusive, to try to represent what I thought were measures that struck that balance between being a disincentive and not inhibiting further. Amendment No. 5, which I would ask the Minister to take on board, gives the Minister the power to address and make changes to charges to address situations where there is an inability to pay, for example, where a person might be an asylum seeker.

I note in the context of Iceland that there is an opportunity there to be looked at whereby hotel quarantine is made available to those who may not be travelling but who may not have the capacity to quarantine at home.

**An Cathaoirleach:** I ask the Senator to resume her seat.

**Senator Alice-Mary Higgins:** Thank you.

**An Cathaoirleach:** As it is now 4.30 p.m., I am required to put the following question in accordance with the order of the Seanad of this day: “That amendment No. 2 is hereby negatived in Committee, that section 3 is hereby agreed to in Committee, in respect of each of the sections undisposed of, the section is hereby agreed to in Committee, the Preamble and the Title are hereby agreed to in Committee, the Bill is accordingly reported to the House without amendment, Fourth Stage is hereby completed, the Bill is hereby received for final consideration and the Bill is hereby passed.”

Question put and declared carried.

**Children (Amendment) Bill 2020: Committee Stage**

NEW SECTION

**An Leas-Chathaoirleach:** I welcome my colleague, the Minister for Justice, Deputy McEntee, to the House. It is good to have her in the Seanad again. Amendments Nos. 1, 2 to 7, inclusive, and 9 are related. Amendments Nos. 2 to 7, inclusive, are logical alternatives to amendment No. 1. Amendments Nos. 1, 2 to 7, inclusive, and 9 may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 3, between lines 8 and 9, to insert the following:

**“Amendment of section 252 of Children Act 2001**

1. (1) Section 252 of the Children Act 2001 is amended—

(a) in subsection (1), by the substitution of “Subject to this section,” for “Subject to subsection (2),”;

(b) by the insertion of the following subsections after subsection (1):

“(1A) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to a child where—

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

(b) such publication or inclusion in a broadcast would not result in a contravention of—

(i) that subsection in so far as it relates to another child, or

(ii) section 93.

(1B) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to the person against whom the offence concerned is alleged to have been committed where—

(a) the person has attained the age of 18 years on or before the date on which the proceedings commence, and

(b) such publication or inclusion in a broadcast of the report or picture would not result in a contravention of—

(i) that subsection in so far as it relates to another person, who is a child, or

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(ii) section 93.

(1C) Subsection (1B) is without prejudice to any other enactment or rule of law applicable to proceedings referred to in subsection (1) that operates to prohibit the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to any person.”,

(c) in subsection (2)—

(i) by the substitution of “Subject to subsection (2A), the court” for “The court”, and

(ii) by the substitution of “best interests of the child” for “interests of the child”, and

(d) by the insertion of the following subsection after subsection (2):

“(2A) The court shall not, in accordance with subsection (2), dispense with the requirements of subsection (1) in respect of a child where to do so would result in the contravention of—

(a) that subsection in so far as it relates to another child, or

(b) section 93.”.

(2) The amendments effected by *subsection (1)* shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were commenced before that date.”.

**Minister for Justice (Deputy Helen McEntee):** I thank Senator McDowell and other Senators for the manner in which they have worked with my Department and me to ensure the speedy passage of this legislation in order that we can implement change and address the concerns that have been raised. A number of issues have arisen since Senator McDowell published this Bill which I propose to address in these amendments.

Amendment No. 1 proposes to delete all of section 1, namely, lines 9 to 33 of the Bill, which propose to replace section 252 of the Children Act 2001 with a revised section. The new section, which is Part 1 in the Bill, is to insert a technical amendment to section 252(1), add three new subsections, namely, subsections (1A), (1B) and (1C) and insert a technical amendment to section 252(2) and add a new subsection (2A). Instead of replacing section 252, I will be amending it to ensure that parents will be free to refer in media reporting to the names of their deceased children who have been victims of crime. This will also remove the restrictions on the reporting of the identity of accused or convicted persons in such cases where there were restrictions because it might lead to the identification of the deceased child victim. However, this will not operate to undermine the provisions of section 252 if another child is in need of its protection. Nor will it undermine the provisions of section 93 of the Act, in particular, which protects the identity of a child who is the accused or convicted person. This is the point raised by Senator Higgins in her amendments and I have addressed it in this section. In addition, my amendment also addresses the restrictions that apply to the identification of a person who was

a child at the time of the offence but an adult at the time of the proceedings.

**Senator Michael McDowell:** I move amendment No. 1 to amendment No. 1:

To delete subsections (1) and (2) and substitute the following:

“(1) The Children Act 2001 is amended by the substitution of the following for section 252:

**“Anonymity of child in court proceedings**

**252.** (1) Subject to this section, in relation to any proceedings for an offence against a child or where a child is a witness in any such proceedings—

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

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

shall be published or included in a broadcast.

(2) Subsection (1) shall not apply to the publication or inclusion in a broadcast or report of a report or picture referred to in paragraph (a) or

(b) of that subsection relating to a child where—

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

(b) such publication or inclusion would not result in a contravention of—

(i) that subsection in so far as it related to another child, or

(ii) section 93.

(3) Subsection (1) shall not apply to the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to the person against whom the offence concerned is alleged to have been committed where—

(a) the person has attained the age of 18 years on or before the date on which the proceedings commence, and

(b) such publication or inclusion in a broadcast of the report or picture would not result in a contravention of—

(i) that subsection in so far as it relates to another person, who is a child, or

(ii) section 93.

(4) Subsection (3) is without prejudice to any other enactment or rule

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of law applicable to proceedings referred to in subsection (1) that operates to prohibit the publication or inclusion in a broadcast of a report or picture referred to in paragraph (a) or (b) of that subsection relating to any person.

(5) Subject to subsection (6), the court may dispense to any specified extent with the requirements of subsection (1) if it is satisfied that it is appropriate to do so in the best interests of the child.

(6) The court shall not, in accordance with subsection (2), dispense with the requirements of subsection (1) in respect of a child where to do so would result in the contravention of—

(a) that subsection in so far as it relates to another child, or

(b) section 93.

(7) Where the court dispenses with the requirements of subsection (1), the court shall explain in open court why it is satisfied it should do so.

(8) Subsections (3) to (6) of section 51 shall apply, with necessary modifications, for the purposes of this section.

(9) Nothing in this section shall affect the law as to contempt of court.”.

(2) The amendment effected by *subsection (1)* shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were commenced before that date.”.

This amendment in effect is to put into one continuous narrative the substance of the Minister’s proposed amendments to the Act.

Frankly, good legislative drafting practice now requires that every Bill should be intelligible once it passes through the Houses. A person should know exactly what the law is. I have not queried the substance of the Minister’s amendments but the real problem is that a member of the media would need a law degree if he or she was to work out precisely where the text, as proposed by the parliamentary draftsman, leaves him or her. Therefore, what Senator Boyhan and I have done is to set out section 252 in its entirety, as proposed to be amended by the Minister, so it is now one continuous section and is, insofar as it can be, easily read and understood.

It seems to me that the whole idea of amendment by reference is to be avoided if, in fact, one can substitute an entire section for the section one seeks to amend. In the parliamentary draftsman’s proposal there is a series of separate interpolations, amendments, insertions and cross-references. Instead of having subsections (1) to (9), inclusive, for example, we now have subsections (1A), (1B) and (1C) and subsection (2A). The problem with all of that is that it is virtually unintelligible to a member of the media sitting in a newspaper office or studio somewhere trying to work out precisely what is and is not now prohibited or permitted by the law.

Although I have articulated some reservations about where we are going, I am taking at face value the Minister’s amendments and the authority she got from the Cabinet to propose amendments to the Bill and simply trying to make some kind of intelligible sense of them. It is

in that spirit of not trying to substitute any views of my own, but trying to give effect solely to the Minister's proposals, as approved by the Government, that we have effectively consolidated and put them in a continuous form, as set out in amendment No. 1 to the Minister's amendment.

Therefore, it makes common sense to have the law easily understood. It is a complicated enough piece of law to start with. I am not claiming any special rights on this. Since it is the Bill I proposed, however, I do not want somebody to say that he or she cannot understand a word of it and that there are subsections, new subsections and cross-references and things he or she cannot follow. A person really would have to be an accomplished law student if he or she was handed the parliamentary draftsman's text. I fully understand where it came from. The Minister got permission from the Government to propose particular amendments and adopt the Bill on the basis that particular amendments were made. However, when the Department of Justice is doing that, it should, in fact, have a continuous text embodying everything it is proposing to do so that somebody reading this Bill, if it becomes law, knows exactly what the section states without having to do two or three works and figure out on paper precisely what each subsection will mean after the passage of this Bill into law.

**Senator Victor Boyhan:** I welcome the Minister to the House and I support her endeavours on this very important legislation. It is timely and long overdue. There is an enormous amount of support for what the Minister is attempting to do in the Bill.

I second the amendment to the amendment. In so doing, I am very much guided by my colleague, Senator McDowell, who is a former Minister for Justice, Equality and Law Reform, a former Attorney General and a practising senior counsel. There is no real divergence from the Minister in what he is proposing and I expect that she will be supportive of his initiative. As Senator McDowell outlined, it is about having legislation that is easily read and understood and, more importantly, easily applied. We do not want there to be any ambiguity about what the Minister is attempting to do. As outlined, the amendment to the amendment attempts to ensure that the Bill is easily read and understood. Senator McDowell has set out the rationale for the proposal and I see no reason that the Minister would oppose it.

I will go as far as to say that I support her in her endeavours. Sometimes in politics, people get all hung up on who is initiating legislation. The bottom line is the question of whether it is the right legislation. This is a good proposal, it is the right proposal and it is long overdue. People involved in the many tragedies relating to instances that are impacted by the legislation will be supported by its provisions. I wish the Minister well and I hope she is agreeable to accepting the amendment to the amendment.

**Senator Ivana Bacik:** I welcome the Minister to the House. On behalf of the Labour Party, I again welcome this important Bill. I am glad that we are seeing it move swiftly through the Houses and that we are all on the same page with it. However, I support Senator McDowell's proposal to present the amendments in a way that is more coherent. I spoke on Second Stage about the piecemeal way in which, unfortunately, the principal Act, the Children Act 2001, was commenced and implemented. Many Members, including me, have spoken on previous occasions in this House about the need for clearer co-ordination and codification of legislation, particularly criminal law statute. In the spirit of greater clarity and ease of access to criminal law statutes, I support Senator McDowell's amendments. The spirit in which he has advanced them is very much a constructive one. In England, we have seen a strong movement towards clarity of drafting in criminal law statutes. In this State, the National Adult Literacy Agency, NALA, has asked us to be more straightforward, clear and accessible in legal language gener-

ally. Senator McDowell's amendment is in keeping with that spirit.

**Senator Alice-Mary Higgins:** I join other speakers in welcoming the Bill and I support the calls for a move towards more concise and clear language, where possible. However, I also have substantial concerns regarding certain provisions of the Bill and I would appreciate if the Minister could elaborate on them. I have tabled a number of amendments, which I know are not perfect. I am happy to move with the consensus of the House in addressing the issues in general.

The issues I am trying to address relate to two or three provisions in the Bill. I would like a clarification as to how the Minister considers that they will be specifically addressed. My first concern is that there may be situations whereby there needs to be a partial disposal of the privacy provision. A situation might arise, for example, where there is a wish to protect one child in a proceeding and also the rights of another child to be named or for his or her family to name the child. My amendments set out provisos whereby a decision in regard to one child, such as the withholding of his or her name where he or she is accused or convicted, should not prejudice the rights of another child who is a victim or witness. It is an attempt to ensure that we get the balance right in that regard.

I am concerned by the references in the proposed amendments to section 93 of the 2001 Act. That section is quite limited, stating specifically in its preamble that it applies only to proceedings before any court. My concern is that section 93, which seeks to protect a child from being named, would include the proviso that where he or she is accused or convicted of a crime, it may be seen to be in the public interest that he or she should be named. That is an appropriate proviso. However, my concern is that section 93 only applies to proceedings before any court. I am not clear as to what the protections and mechanisms will be in the years afterwards when a case is no longer before a court. I do not know if that is intentional or inadvertent. We might need to either adjust section 93 or produce something customised to this situation, which I attempted to do, perhaps imperfectly, in my amendment. Those are my two concerns. One is addressing the issue where, say, a 14-year-old who is accused or convicted of manslaughter as soon as the case is finished, and before the proceedings, can still be named. Also, we need to get the balance right that in that we may not wish the name or the image of a child who is accused or convicted to be seen. That is the reason I tabled another amendment, which is part of this grouping, which proposes to insert the words "fully or in part". It should not be a blunt case of apply or do not apply. It may be very important those provisos allowing for children to be named should apply to most children associated with a case, but not all. Is there still quite a hard binary in the Bill where we cannot balance having a different approach to the naming of a child victim versus a child who may be a perpetrator or one of a group of perpetrators in a crime? As other have said, the Minister's amendment is quite dense. Those issues may be addressed but from my first reading of the text, I still have concerns.

**Senator Mary Seery Kearney:** In addressing this, I must confess I am loath to contradict legal opinion I generally hold in great esteem. I would not consider myself to be an accomplished law student though I passed with a decent clearance of the grades required. That is where I put myself.

*(Interruptions).*

**Senator Mary Seery Kearney:** What does one call the doctor who comes last? Doctor.

In this context, I see a sense to the order of keeping everything in the proposed new subsections starting with “1” and grouping those together. We are balancing four documents. I have the sections of the Children Act, the amendments and the Bill as published. In the incoherence of so many documents, it can look a little disordered. However, it will be clearer when the new section 252 is published. I agree with the original provision of subsection 1 and then subsections (1A), (1B) and (1C) being the amendments that qualify that. To me, it makes sense to have all the subsection starting with “1” together and then to move on to the qualification of them in subsections (2) to (5). It is semantics but to me it makes sense. I would not call myself hugely accomplished but I reckon our journalist colleagues would be well able to follow that and see that it is a provision that is merely a qualification and an alternative to the original provision of subsection (1). I would concur with the Minister’s view.

**An Leas-Chathaoirleach:** Does the Minister want to respond to the amendment?

**Senator Michael McDowell:** A Leas-Chathaoirleach-----

**An Leas-Chathaoirleach:** No. The Minister’s is the first contribution.

**Senator Alice-Mary Higgins:** I had put some questions which she might be able to respond to.

**An Leas-Chathaoirleach:** It is the Minister’s prerogative to decide.

**Senator Alice-Mary Higgins:** It is Committee Stage.

**An Leas-Chathaoirleach:** A number of amendments are being taken together. I read out a direction that amendments Nos. 2 to 7, inclusive, and 9 are being discussed with amendment No. 1.

**Deputy Helen McEntee:** I thank Senator McDowell for his amendment. It is important to stress the co-operative and collegiate approach in which this legislation has been approached. I asked my officials to consider the amendment he proposed and the possibility of accepting it. As Senator McDowell has said, the policy is the same and what we are trying to achieve here is essentially the same. The advice I have been given is that it would be best practice to amend rather than repeal the section. I fully agree that legislation needs to be legible and that there needs to be clarity in what we are doing. People need to be able to read it and clearly understand what it is we are doing. The logic is to try to avoid changing subsections, as has been mentioned, and the numbering so that everyone is clear what has been changed. We want to avoid any confusion with references to subsections. This is the basis on which I would prefer to push the Government amendment. Perhaps strictly from a legal point of view there might not be problems, but in reference to documents issued administratively or in academic commentary a change in the numbering in this type of scenario might lead to confusion. The Senator says his approach is simpler but the advice I have been given is that by ensuring we do not change subsections, in particular subsection numbers, what is being changed and what we are referencing are clearer.

My understanding is that section 39 continues to apply after proceedings have ended and that case law on this has been confirmed. Courts tend to apply the public interest exception in respect of accused children. I believe the amendments put forward by the Senator are addressed in the Government amendment. The amendment inserts a new subsection (1A) after subsection (1). This disapplies the prohibition on publication or broadcasting where the proceedings

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concern the death of a child. This provision disappplies subsection (1) automatically, which means that the reference to the child victim who has died can be published without the need for the court order. However, there are two exceptions. The first is where it would lead to the identity of another child who was a witness or victim of an offence to which the proceedings relate. The second is where it would lead to the revelation of the identity of a child accused in respect of the proceedings, contrary to section 93 of the Act. That section protects the identity of child offenders or a child accused of a criminal offence. As I have said, my understanding is that section 93 continues to apply after proceedings have ended. I believe the amendments put forward by the Senator are addressed in the Government amendment. Again, I am happy to hear a response on that.

**Senator Michael McDowell:** The Minister said she has been advised that her amendments would be better in some sense but she has not stated why. I cannot understand how it could possibly be that one amendment that is legible is less satisfactory than one that is almost illegible, as to its meaning at any rate. I would expect the Minister to say whether she sees any difference in the terms of our amendment and the amendment she is proposing to make. That is the first point. Is there any difference that she can see?

If there is no difference then we are dealing with style and section 26 of the Interpretation Act 2005, which I will come to. If there is some difference between the two results, I would like to hear what it is. If there is no difference, then it is a matter of good legislative practice, as decided by successive Governments, which have said they would not do the kind of thing that is being done here unless it was necessary to do so. I would like to hear from the Minister on that point.

**Senator Alice-Mary Higgins:** I am glad the legislation is progressing. I know that it has a further journey to go. I urge the Minister to continue to engage with Members of this House as the legislation continues its journey. I believe there are issues of clarity and I still have two concerns. They may seem to be contradictory but I do not believe they are because they relate to the different rights and different circumstances of children and the difficulty of balancing the rights of children.

I am perhaps a literalist. Perhaps the Minister can provide me with notes in respect of the case law. I tend to read law by its letter and the letter of the law in section 93 is explicit as it relates to proceedings before any court. I would like to see where the advice of clarity is and I would like an assurance on section 93. While the section has an in-built balancing mechanism that allows for and protects the rights of the child, it also looks to the proviso of the protection of children generally in the public interest. It has a balancing mechanism within it, which is why I think it is useful. However, I would like to see the case law. I am very reluctant as a legislator to let legislation go through purely with reference to case law and where it is inexact and does not cover my area of concern. That is a reasonable concern.

The other concern I still have relates to amendment No. 7, which is in this group. It outlined caveats regarding some of the protections in respect of a child who is accused or convicted, whereby I sought to protect the child who is accused or convicted from his or her image or name being used in any report. I slightly narrowed that from the language in amendment No. 1, which refers to anything that could result in the child being identified. That was in the context of my concern that the first part of the Minister's amendment could be so widely interpreted that in a case where a child was a perpetrator, one could have a situation where a child who was a victim or witness is effectively excluded from being named, rather than being able to find a

balance. We need a mechanism where we are not fully applying this provision and are able to apply it in a way that relates and is appropriate to the child who is a victim and a witness and then give as much protection as possible in terms of the name and image, for example, of a child who is accused or convicted. While this legislation will be progress, given that nuance, I am concerned that the Minister's amendment is still too wide in one respect and possibly too narrow in another respect. Perhaps that could be examined further as the legislation progresses.

**Senator Mary Seery Kearney:** I understood the Minister's response to be that if we keep the amendments in section 1, the rest of the text will remain numbered as is currently. This would mean that anything outside of the Act, whether it be academic writings, productions within the Department of Justice, the Department of Children, Equality, Disability, Integration and Youth or anything else that refers to those subsections will remain accurate, whereas if we renumber, anything that refers to this section of the Act will therefore become redundant. That is my understanding of the Minister's response.

**Deputy Helen McEntee:** I will outline the advice we have received. On the substitution of section 252, this would constitute a repeal and re-enactment with modifications which then engages section 26(2) of the Interpretation Act. The implications of the application of section 26(2) would need to be carefully considered and that it is not possible in the timeframe involved.

The advice is that amending section 252 is more transparent and clearer to the reader of the Bill, including to Members of the Houses, although there are different views on this in terms of which elements of the existing section 252 are being retained and what is new. The substitution approach would require the reader to essentially examine the new section in its entirety against the existing section 252 in its entirety.

The approach of substituting section 252 in its entirety has the effect of altering subsection numbers so that the existing section 252(2) would become section 252(5), with only a small change being made to it. Existing subsections (3) to (5), although identical to the current form, would become subsections (6) to (8). From a strict legal point of view, this might not be problematic. However, in other instances, in particular where we have documents or academic commentary or other situations, the changing of the numbers might lead to some confusion. It is, therefore, very much a case of trying to keep the text in line with the sections that are part of the current Act so that we can ensure consistency inasmuch as possible.

The policy, as has been set out in Senator McDowell's amendment, and what we are trying to achieve here are very much the same. It may be just a stylistic format but the advice that I have is that the proposals set out in the Government amendment are best practice. It is better to amend rather than to replace the sections to avoid changing subsection numbers. That is the crux of this.

My understanding of Senator Higgins's main concern is that we do not provide for the accused or a convicted child to be identified. I agree with her on that. Section 93 addresses that point and that is the reason I have made the amendment subject to section 93. My understanding is that this does apply after proceedings have ended and that there is case law on this on which I would be able to provide her with some more information after today but my understanding is that it does apply afterwards.

**Senator Michael McDowell:** The Minister has just said that it is best practice to amend the Act in the way she has suggested. I disagree fundamentally with that. It is not best practice

to do that. It is inferior and worse practice, in my respectful view. The Minister said correctly that section 26 of the Interpretation Act would be engaged by taking the steps of accepting the amendment in our names, but it is worthwhile looking at the actual terms of section 26(1). I ask the House to bear in mind that, in the Interpretation Act of 2005, the term “enactment” also includes any provision of an enactment. The section provides as follows: “Where an enactment repeals another enactment and substitutes other provisions for the enactment so repealed, the enactment so repealed continues in force until the substituted provisions come into operation.” That is not a problem. We are not actually decriminalising anything or affecting anybody’s criminal liabilities at all. The second subsection (2) states:

Where an enactment (“former enactment”) is repealed and re-enacted, with or without modification, by another enactment (“new enactment”), the following provisions apply:

(a) a person appointed under the former enactment ... [that is not relevant];

(b) a bond, guarantee or other security ... [that is not relevant];

(c) proceedings taken under the former enactment may, subject to *section 27(1)*, be continued under and in conformity with the new enactment in so far as that may be done consistently with the new enactment [that is fairly clear];

(d) if after the commencement of this Act-

(i) any provision of a former enactment, that provided for the making of a statutory instrument ... [that is not relevant since the Act does not deal with any statutory instrument]

[...]

(e) to the extent that the provisions of the new enactment express the same idea in a different form of words but are in substance the same as those of the former enactment, the idea in the new enactment shall not be taken to be different merely because a different form of words is used.

The crucial provision, paragraph (f), of the 2005 Act states:

(f) a reference in any other enactment to the former enactment [that means to the former provision of enactment] shall, with respect to a subsequent transaction, matter or thing, be read as a reference to the provisions of the new enactment relating to the same subject-matter as that of the former enactment, but where there are no provisions in the new enactment relating to the same subject-matter, the former enactment shall be disregarded in so far as is necessary to maintain or give effect to that other enactment.

The law is very clear and the 2005 Act, which was passed when I was in government and drafted when I was Attorney General, was precisely intended to deal with this kind of situation. If we amend an Act and substitute a new section, everything remains in existence and the two must be read, if they are trying to achieve the same purpose, as having the same meaning and that no criminal proceeding is in any way prejudiced by the substitution of one section retrospectively for another.

I make all those points for this very simple reason. The Minister said that there has not been enough time to study the application of the consequences of section 26 of the 2005 Act.

There is plenty of time. We will have a Report Stage debate on this Bill also. We are not dealing with all sections today. There is plenty of time for the Department to state clearly what prejudice could possibly emerge from the acceptance of an amendment that sets out the section in an intelligible form and does not have section 1A, 2A or 1C and all of the rest of it thrown in. If the Department or the draftsman can see any possible basis on which acceptance of the amendment in our name could have some unintended consequence, let them say so. Let them say what possibility there is.

Our function is to make intelligible laws. We are trying to have a law at the end of this whereby people can look at section 252 as it will be then and say they understand the provisions of the section and they do not have to have, as Senator Seery Kearney said, three documents in front of them to try to work out what is going on. They will clearly see what the section will state. In the drafting of this amendment I was scrupulously careful to make sure every comma and every single aspect of it is as exactly as the Minister intends to bring about the law to be. There is not the tiniest deviation in implementing his proposal. We do not have to have sections 1A, 1B and 1C. We do not have section 2A. We would just have one coherent section that would fall absolutely within the ambit of section 26 of the Interpretation Act 2005. It would be readable and clear with one section having been removed and another put in. It would all fit together logically. No criminal proceeding would be affected by it. No previous prohibition would be affected by the change because the Interpretation Act so says. This is the crucial point. Either we are in the business of making intelligible laws in the House or we are not. It has been stated that the Interpretation Act has not been sufficiently studied. There is plenty of time to study it, and between now and Report Stage there will be plenty of time to come up with one possible theory as to why the law should not be in an intelligible form and not be amended in the way proposed. This is what I have to say about this.

With regard to the points made by Senator Higgins, I read section 252 as being quite narrow in its effect. It refers to a report being published or broadcast and it is in relation to any court proceeding. Some people seem to think, and I have hinted at this previously, that this means an historical fact can never be mentioned. We could say, for instance, the fact that putting in writing in any shape or form, or broadcasting in any shape or form, the fact that child A was convicted of killing child B is covered by this Act. On the other hand, supposing the mother of a child, and this is not fanciful, wants to say that a child was killed by his 17-year-old older brother. This is not a report of a proceeding. It is simply a statement of fact. The fact he was convicted or not convicted and there was some court proceeding is not the issue. I am convinced that sections 252 and 93 refer to reports of court proceedings. I am convinced that sections 252 and 93 refer to reports of court proceedings and are not crafted sufficiently widely to say that somebody cannot say that my eldest son, aged 16, killed my youngest daughter, aged 12, in any shape or form anywhere, in a book or anything like that. It is just a simple statement of fact. Whether that would be in contempt of court is a different matter. I do not read these provisions as actually saying or prohibiting a statement of fact, namely, that child A killed child B, if it has nothing to do with saying he was convicted of it by a jury or whatever, just saying he did it.

One of the problems I have about all of this, which I expressed on Second Stage, is that it would be remarkable that the mother of a child who was killed can say or write nothing and participate in no interview at all about the death of her child on the basis that somebody might recognise her, thereby recognise the dead child, and thereby draw the inference that it was another of her children who carried out the killing. That to me is not the law as we have enacted

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it yet. Perhaps people believe that should be the law. I am doubtful about it. I do not think that one can say to a mother that she may never ever refer to the fact that one of her children killed another of her children. The same applies, obviously, to fathers too. It seems to me an extraordinary invasion on the right to free speech to say that a person cannot describe what happened in his or her own family as a matter of historical fact, forget about any court proceedings, who gave evidence or what juries thought of the facts or not.

I make that point because Senator Higgins is correct. We may all be proceeding on a supposition of law which is not there, which is that there is an absolute ban of ever identifying any person who committed an offence as a child, even by reference to the historical fact of what they did. I know all of the arguments, by the way, and I accept the force of many of them, for the proposition that no child should have his or her criminal behaviour hung around his or her neck for the rest of his or her life. On the other hand, to say to a parent of a child victim that nobody may ever publish any account of what happened in that parent's family, on the basis that there was a court proceeding later and a conviction, is very strange indeed.

It raises this slightly odd arrangement that if there were no court proceedings, if the DPP said that there was not enough evidence to convict, can the parent of the dead child say he or she accuses X or that child killed his or her other child? If there is no court proceeding, section 252 of the Children Act does not seem to apply, whereas it does seem to apply to a report of a court proceeding, or the outcome of one, in that it applies to the fact that somebody was convicted of an offence, but it does not seem to apply to the underlying historical fact that child A killed child B.

These are not entirely fanciful considerations. There was a former Taoiseach of this country who by accident shot and killed his brother. There was no criminal intent at all involved, and it was an accidental discharge of a firearm. I should say that person is dead, in case anyone was worried about it. That happened, and people can write about it. Is it the case that they cannot write about it because there was a subsequent conviction and a court proceeding, and that a curtain is drawn down over such an event, and it becomes unlawful to ever refer to that fact because there was a court proceeding? Or is it, as Senator Higgins is suggesting, I think, that the crucial difference is that we are dealing here simply with reports of court proceedings, and we are not dealing with a blanket ban on history?

I wanted to make those points. These were points I had in mind when we saw what was here on Second Stage but I did not want to overcomplicate the matter until I saw the Government amendments. However, I still think we should be conscious that the term "report" means something. This is a criminal statute. It is not a report of a court proceeding without any reference to the court proceeding to identify somebody one believes actually caused the death of another person, whether they were a child or an adult.

**Senator Alice-Mary Higgins:** I am conscious of the nuance in this and that we want to move forward. To clarify, I do not have a single concern; I have two concerns, and the Minister has addressed one of those. I am concerned about how section 93 would be applied. Could it be too narrow in its application or, potentially, could it be too wide in its application? Those are the nuances to be looked at. That is why, although it is not perfect, I had attempted to create new law rather than rely on section 93, which I confined to dealing with court proceedings. I looked to something different. Perhaps the Minister could look to some of the spirit of those and see if there may be space on Report Stage to fine-tune that.

I was not simply speaking about my concerns in regard to a child who is accused or convicted, and I also have concerns in regard to a child who might be a victim. My concern is that, as it stands, a blanket decision seems to be made. They are tied together in such a way that we might need to be able to provide for some nuance which would allow for different treatment, in the same case and in regard to the same proceedings, in regard to a child who is a victim and a child who is accused or convicted.

Something has been lost in the new amendments, although I recognise what the Minister is trying to do. In the original Bill as proposed by Senator McDowell, subsection (3) stated: “The court may, to any specified extent and subject to such conditions as it may stipulate, dispense with the requirements of subsection (1) in any case”. I wanted that to be more nuanced. It was not that subsection (1) would definitely apply on or off in a case, but at least it allowed for the nuance of conditions. It may be that a victim would be named but that his or her school would not be talked about. There may be balance to find in terms of how we ensure protection. My worry is that any situation in which there is a child who is a perpetrator might effectively end up automatically leading to a situation where the child who is a victim cannot be named, and Senator McDowell outlined one scenario but there are other scenarios that we know of.

I would like this legislation to allow, to some extent, for what was proposed in subsection (3) of the original proposed legislation and in my amendment No. 7. Amendment No. 7 relates to a child who is accused or convicted of murder, attempted murder or manslaughter, and manslaughter, of course, is a tragedy that can happen in these situations, as was outlined earlier. The amendment states: “Nothing in this subsection should prejudice a court’s application of subsection (3) in a manner which it believes appropriate, having regard to the interests of a child who is a victim of an offence or a child who is a witness and to the public interest including the protection of children generally.” I worry that at the moment the mechanism that allows for a nuanced approach, for example, for a court to say a child who was a victim can be named subject to certain conditions, is absent. It may be that the adding of certain conditions, such as not mentioning where it took place, could allow for appropriate protection. Removal of the name and the image are the core pieces. One does not want somebody who commits a manslaughter at 13 or 14 years of age being shadowed into their 30s and 40s and the rest of their life by their image or name being used and their story being told again and again. The idea is that the name and image of somebody as a perpetrator might be protected and as much protection as possible might be given in relation to information that could lead to his or her identification but that it be done in a way that still allows a victim to be named.

My problem at the moment is the legislation is still binary in that in regard to a particular case, the naming applies while in relation to another one, it does not. This is rather than being able to unpick the particular circumstances. All cases to which this might apply will be awful cases. They will have awful nuances and incredibly vulnerable people will be affected so we might need nuanced legislation that allows us to treat each case with the diligent care that is needed. Luckily, they are exceptional cases. They are not the normal case that will happen but, where they do, maybe we need something more nuanced.

Perhaps the Minister could look to the original subsection (3) in Senator McDowell’s proposal or to my amendment No. 7. I will not press it my amendment in opposition to the Minister’s amendments but perhaps she could look to those proposals and consider whether it might be possible to bring forward something more fine-tuned on Report Stage.

**Senator Fintan Warfield:** It is well timed following Senator Higgins. Perhaps the Min-

ister would consider those cases where a minor was given a suspended sentence before the Children's Act applied and the adult now does something newsworthy. His or her case can still follow him or her around. It can be embarrassing, particularly when it is taken in the context of fresh news. I ask the Minister to consider that. I do not think it is fair that someone would be tarred with that brush his or her whole life because the press sees it as somewhat newsworthy when today it would not be reported on.

I have not weighed in on the debate so far and I support the need for our legislation to be more understandable. It might be an unfair demand to place on the Minister in this Bill but I hear absolutely what Senator McDowell is saying. One would want to be an accomplished law student to analyse any legislation coming through this House. Legislation should be easy to understand but we want to see this Bill progressed quickly. If that is with the Government amendments, that is okay. It would be nice to get consensus around the Bill at least by the end of these Stages.

**Senator Michael McDowell:** I agree with Senator Higgins. I walked away from the amendment I originally proposed in order to get a coherent text on the basis that the Minister wanted her amendments to go through. The amendment I originally proposed tried to bring elements of flexibility into the determination and not to put a judge into a straitjacket or put everything into a binary yes-no, that this is the law, that nothing else applies and that there is nothing else to be considered. For instance, in the event that the Minister's text is taken to be the holy Bible from now on, take the case of a child who was killed by an adult. If that child's brother testifies as to what he saw and if an account of the court proceedings records him saying that an adult came into the house and killed his sibling, a literal interpretation of this law means that once it is in the public domain that the child's brother or sister gave such evidence, it will be unlawful and an offence to name the victim. This is because under the Minister's text, section 93 states it would tend to identify the witness.

I do not believe that is a necessary conclusion. I know this is urgent and the media are demanding that this be dealt with urgently. Deputy O'Callaghan and I brought our proposals forward in a sense of urgency with the approach of facing up to this issue quickly. As I read the Minister's proposals, however, the court cannot allow the child victim to be identified if the child victim's sibling has testified in the trial and would be thereby identifiable from any identification of the dead child. This is even in the case of a total stranger coming into a house and killing a child. That cannot be right.

I accept there is an urgency but we do not have to just run at it like a bull in a china shop and say that is the result we want. There could well be a case in which it would be a huge injustice to a family to tell them that they cannot name their dead child because his or her brother or sister gave the crucial evidence in the trial. That is why the two approaches both Deputy O'Callaghan and I adopted allowed for the flexibility that Senator Higgins spoke about. There is not a one-size-suits-all law which applies rigidly in every case. There are occasions when it would be perfectly reasonable for a judge to state that the mere fact that a child witness could be identified by identifying the deceased child should not, at the end of the trial if there has been a conviction, be real grounds for deciding that the identity of the child victim should be kept secret. The mere fact that somebody looking at the report of the proceedings might be able to work out that it was a sibling who gave the vital evidence is not of itself grounds for saying that the child victim can never be identified.

That is what we are about to enact if we accept the Minister's wording, however. The wor-

rying feature of all of this is that we are crashing from one extreme to another.

*6 o'clock*

We saw what happened in the Court of Appeal. It said the meaning of the wording was the plain and ordinary meaning and that where the consequence of identifying the deceased was that people would be able to work out the identity of the witness who gave evidence, the brother of the deceased, there could be no identification. The court said it would be an offence for the parents to name the total stranger who came into their house and killed one of their children because of the very peculiar circumstance that one of their other children gave evidence in the matter. We are in a bit of a hurry on this but we are not in a total hurry. Another ten days or two weeks will not be the end of the world if the Minister can sort out these kinds of cases.

We saw what happened in the Court of Appeal regarding the ordinary and natural meaning of a statute. It said it means X and that is that. It implied that if one believes that is a peculiar result, one should go off to the Oireachtas and change it if one wants. Here we are about to enact a law that is going to stipulate that where a stranger comes into a house and kills a child and the only witnesses is the child's brother, which becomes apparent from a court report, the deceased cannot be named because it would tend to identify the witness who gave evidence in the case. That cannot be right. We should not go down that road blindly because, inevitably in two or three years, this kind of case will crop up. The courts will point to the plain and ordinary meaning of the words in what we enacted and state the wording gave the judge no discretion. It will be said it is the end of the matter.

The reason for saying child witnesses are to be protected is very plain. It is to protect young children who have been raped and assaulted and to protect them from all sorts of other things that can happen to them, including being badly beaten up or badly mutilated. Why, however, can we not allow the court some discretion regarding the two situations? Why do we have to have an absolute rule to the effect that if any report tends to give rise to a child witness being identified, no matter what the circumstances, the child victim must not be named because it would make it apparent who the child witness was, no matter the result of the case? Why can we not have circumstances whereby, at the end of a trial, the judge can say it is acceptable to state the chief witness for the State was the brother of the deceased? No injustice would be done to the child at all by that fact being known. Everybody in court would have seen who the child witness was and would know precisely why that child was a witness, why he was in the home and what he was doing in the bedroom or wherever he was when he saw the homicide take place. No injustice would be done at all. Why do we not give judges the flexibility that such a situation demands? Why would we possibly pass a Bill now implying that according to an ordinary and natural interpretation of a new law that we are supposed to have thought through on this occasion and regarding which the difficulty of the matter was supposed to have been realised, the child victim cannot be identified because it would tend to identify the child witness? That is just crazy stuff. We should not go there. We should not do it. I appeal to the Minister not to put into law something that she herself would not support for a minute. The flexibility has been taken out of the original proposed amendment of the law.

An absolutely rigid rule has been put into it whereby if any report would tend to identify a child witness, no matter the circumstances, the other child victim could never be named. That is wrong.

I appeal to the Minister to take on board what I am saying. I am not thinking about silly

items. There are many cases where a child would give evidence about an invasion of the home. Thank God there are not many cases where one of the children gets killed. To make it part of our law that the child victim can never be named because an essential witness to the State would thereby be identified, in every case no matter the outcome of the case, is crazy. We should not go down that route.

I have done my best on Committee Stage to try to set out what the Minister and the Government want to be the law in a rational and readable way. It was always my intention, nonetheless, to come back on Report Stage and ask for some degree of flexibility in this matter. We cannot have unintended consequences flowing from our legislation simply because we are in a rush. The Children Bill was originally in gestation for a long time and what turned out to be a mistake was made. We are now trying to remedy that mistake but we are being invited to make another mistake on the basis that it is urgent for us to deal with the matter. I do not accept that this is good governance, law or drafting of good legislation. The point made by Senator Higgins about bringing back the flexibility in the original amendment deserves very close scrutiny. I appeal to the Minister, the Department and the Chief Parliamentary Counsel to look at what they are doing and not ask us to make a terrible mistake a second time.

**Senator Mary Seery Kearney:** I am not without sympathy on this matter and I agree a degree of nuance in the hands of a judge would be beneficial. A judge would be trustworthy. There may be difficulty, however, in that we are living in a social media age and the hard facts of the last number of years have been that witnesses, including children, have been named, subject to abuse online and hounded in their communities and in schools. In particularly hard cases, that has occurred. If we put a provision in law, we will find ourselves in a position where we intend a judge to apply nuance but that nuance will be permitted in a social media field.

Before we move from what is a very rigid position, we must consider that context. Some of the experiences of children who went to the same school in certain cases were fairly horrific in recent years. The sense of entitlement under the guise of free speech to put content on social media has been used and abused to the detriment of a child. I agree with some of the points made but I can also see a reason to protect a sibling witness with anonymity because of the particularly harsh environment that is social media. In any consideration of a very well-made argument we must consider that larger context, that if we give discretion or we look at nuance, we are also fettering the ability to rely on section 51, which is the criminal offence element of it. We may have an implication of nuance in that context, and I am concerned about that.

**Senator Róisín Garvey:** I welcome the Minister. It is good to see her here again.

I support the Bill. It will simply permit the identification of people convicted of the homicide of children. Currently, perpetrators can hide behind the child's privacy rights to conceal their identities. The Bill will amend section 252 of the 2001 Act. It will also allow for the identification of people convicted of some other crimes against children where the public interest justifies it. The Minister has brought a very important legislative measure to the Houses and I thank her for bringing it forward.

I also wish to voice my support for the idea that we must look at the media and social media to see if we must also legislate with regard to them, because there appears to be a free-for-all as regards what they can say before, during and after a court case without any respect whatsoever for victims, perpetrators or their families. That is increasingly becoming an issue on social media, regardless of what we say in the Oireachtas or in the Government and, in some instances,

what the printed press says. We need to consider legislation whereby, if these types of Bills are passed, there is a consequence for social media and other media that ignore that consideration.

In the past, there have been leaks of young people's identities, even though they had not yet been convicted. I cannot bear to think of what that must do to their families. A person is innocent until proven guilty. The victims should have the right to privacy as well. It is something we have lost in this country. We saw it in Britain for many years, dating back to what happened with Princess Diana and all those disasters. It appears that in this country now the media can do and say what they want, irrespective of truth. If this Bill is passed, we will have to consider legislation to strengthen the controls we will have to put on social media and other media platforms.

I wish the Minister the best of luck.

**Deputy Helen McEntee:** I will address three points. The first is Senator McDowell's amendment. I am not suggesting the amendment will change the substance of the policy or content of the Bill, it is simply a sense that replacing the sections and changing subsection numbers might create a difficulty. It is important that every Member is clear about what has changed, to try to avoid any confusion with references to subsections. Report Stage is scheduled for next Friday and I am happy that we can re-examine that or look at the Interpretation Act 2005 and consider it before then. We can discuss it further by Friday. This is just to avoid any confusion between subsections and references. The advice I have is that this is the best approach and practice in that regard.

With regard to protections in the context of identifying accused children, I believe they are strong in the Bill. Section 93 applies beyond the proceedings. That is not to say that an application cannot be made at a later date to dispense with any protections in a case where there is a deceased child. Obviously, a court will have to decide on that. The Bill does not prevent that from happening at all. I should add with regard to the dispensing provision to allow the deceased child to be named that the court would have an inherent jurisdiction to make a specific order in such a situation. The language itself, in referencing the Senator's amendments and subsection (3) in Senator McDowell's Bill, would widen the basis on which protections would be dispensed with generally, not just with regard to the deceased child. Where the court is dispensing with provisions generally, the best interests of the child standard is more appropriate, which allows for balancing the various interests that are being discussed.

We are not seeking to change the purpose of section 252. It should be to continue to protect the interests of the child or the children who are involved. The best interests principle is not necessarily going to usurp all other interests in a particular case. As has been mentioned, in a particular case there may be other competing interests at stake, such as children, parents or indeed the public interest. However, the public interest may not always be the appropriate standard, and it can be difficult to reconcile it with the best interests of the child. I have taken on board Senator McDowell's comments. Perhaps we can see if there is some flexibility that can be provided to allow for such nuances. It is most important. I accept the point that by naming a child who is a victim where their sibling is deceased, it may not necessarily harm that child, but the court needs to be able to take that scenario into account and to allow for these types of nuanced situations. Between now and Friday, I am happy to look into whether there is some flexibility in language that can be used to try and deal with such nuances. However, in relation to section 93, the legislation is strong in that regard. I will seek to get some case law to point to the fact that it also applies after proceedings. I am assured that that is the case and it has been

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the case. I can come back to the Senator on that point in particular.

**Senator Alice-Mary Higgins:** Before the debate on Friday, I wonder if it will be possible for the Minister to look at scenarios whereby different children may be given different treatment within a case, and the extent to which the legislation allows for that. Perhaps that can be looked at.

**Senator Michael McDowell:** In view of what the Minister has said, I do not want to divide the House on the amendment in my name because I know what would actually happen. It is an inevitable consequence at this hour of the evening - I am not naive. However, I want to say strongly that some of the points made by Senator Higgins and me need to be considered. I am sensitive in this regard. I am not saying that this is my Bill, because it is not really my Bill - it is the House's Bill. However, I do not want it to be argued that the acceptance of a Private Members' Bill produced another disaster two years down the road. I do not want people to ask why it was never discussed or looked at carefully. This is not a matter of saving face or preferring one person's drafting to another. It is really a matter of doing the right thing, and not making a second mistake. Bearing in mind that nobody ever saw the Court of Appeal judgment coming, we can now see a potential car crash which might easily take place, and we are looking forward at it. We must adjust what we are doing to deal with scenarios that we know are very likely to happen. The idea of a sibling being the main witness in the case of a child homicide is not fantastic by any standards. It has probably happened many times, and probably will happen many times. I can well imagine the court ruling that the witness may not be identified in any coverage of the case, but I can see no justification for the assertion that because identifying the child victim may result in the identification of the witness, then the child victim cannot be identified. That would be a huge injustice to many families, and it is not right. I will leave it at that. I will withdraw my amendment but I may come back to it on Friday.

Amendment No. 1 to amendment No. 1, by leave, withdrawn.

Amendment No. 1 agreed to.

**Acting Chairperson (Senator Aisling Dolan):** Due to the fact that amendments Nos. 2 to 7, inclusive, are logical alternatives to amendment No. 1, they cannot now be moved.

Amendments Nos. 2 to 7, inclusive, not moved.

Section 1 deleted.

## SECTION 2

Question, "That section 2 be deleted," put and agreed to.

## SECTION 3

Government amendment No. 8:

In page 4, after line 11, to insert the following:

"(3) This Act shall come into operation on such day or days as the Minister for Justice may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions."

**Deputy Helen McEntee:** Section 252 creates a criminal offence and, therefore, there is a need that people, including the media, the courts and even the Director of Public Prosecutions, know in advance the date on which the new provisions will come into force. We will not know in advance the date on which the President will sign the Bill, and there can be a short delay as a new Act is promulgated before it becomes a matter of public record. My officials will be advised as soon as the President signs the Bill and I can then sign the commencement order without delay. This will be promulgated by my Department and become a matter of public record as a statutory instrument. This amendment is to ensure that, where we are creating a criminal offence, all those who require the knowledge that this provision is coming into law are given a clear indication of same. As soon as the Bill is signed into law, my officials will make it known and I will sign the commencement order without delay.

**Senator Michael McDowell:** It is worthwhile pointing out that subsection (2) in the Minister's amendment No. 1 provides that the amendments affected by subsection (1) "shall, on and from the date on which this section comes into operation, apply to the publication or inclusion in a broadcast of a report or picture to which section 252(1) of the Children Act 2001 applies, irrespective of whether the proceedings referred to in that subsection were commenced before that date". I presume the Minister agrees that it does not matter whether the proceedings were completed before that date as long as this provision is retrospective in its entirety to anything that happened before the Bill is passed. Therefore, in previous cases of child homicides where there have been convictions and so on, the section will not have the effect of prohibiting the republication of reports of those cases that, as we later found out when the Court of Appeal considered the matter, were improperly reported.

Amendment agreed to.

Section 3, as amended, agreed to.

#### TITLE

Government amendment No. 9:

In page 3, to delete lines 5 to 7 and substitute the following:

"An Act to amend the Children Act 2001 to make further provision, in relation to proceedings to which section 252 of that Act applies, in respect of the publication and inclusion in a broadcast of reports or pictures identifying or likely to identify certain children; and to provide for related matters."

Amendment agreed to.

Title, as amended, agreed to.

Bill reported with amendments.

**Acting Chairperson (Senator Aisling Dolan):** When is it proposed to take Report Stage?

**Senator Mary Seery Kearney:** On Friday next.

**Acting Chairperson (Senator Aisling Dolan):** Is that agreed? Agreed.

Report Stage ordered for Friday, 5 March 2021.

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**Acting Chairperson (Senator Aisling Dolan):** When is it proposed to sit again?

**Senator Mary Seery Kearney:** At 10.30 a.m. on Friday, 5 March in the Dáil Chamber.

The Seanad adjourned at 6.25 p.m. until 10.30 a.m. on Friday, 5 March 2021.