



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

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SEANAD ÉIREANN

Dé Luain, 29 Márta 2021

Monday, 29 March 2021

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Machnamh agus Paidir.
Reflection and Prayer.*

An tOrd Gnó - Order of Business

Senator Regina Doherty: The Order of Business is No. 1, statements on reports regarding the Department of Health policy examined in the recent “RTÉ Investigates” programme, to be taken at 12 noon and to conclude at 1.15 p.m., with the opening contribution of the Minister not to exceed ten minutes, contributions of Senators not to exceed six minutes and the Minister to be given not less than five minutes to reply to the debate; No. 2, statements on the Covid-19 vaccination programme, to be taken at 1.30 p.m. and to conclude at 3 p.m., with 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 ten minutes to reply to the debate; No. 3, statements on living with Covid-19, to be taken at 3.15 p.m. and to conclude at 4.45 p.m., with 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 ten minutes to reply to the debate; No. 4, Residential Tenancies Bill 2021 - Committee and Remaining Stages, to be taken at 5 p.m. and to conclude at 6.30 p.m. 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. 5, motion regarding early signature of the Residential Tenancies Bill 2021, to be taken without debate on the conclusion of No. 4; and No. 6, statements on matters arising from the withdrawal of the United Kingdom from the European Union, to be taken at 7 p.m. or 15 minutes after the conclusion of No. 5, whichever is the later, and to conclude after two hours, with the opening contribution of the Minister not to exceed ten minutes, those of group spokespersons not to exceed eight minutes, those of all other Senators not to exceed five minutes and the Minister to be given not less than ten minutes to reply to the debate.

Senator Lisa Chambers: Today the Government launched Our Rural Future, a new plan for rural Ireland. It is an exciting day. The potential of this plan to transform rural communities throughout the country really is something of which to take note. The plan envisages more than 400 remote working hubs across regional towns and villages, co-working and hot-desking for public servants in regional towns, for the public sector to go to 20% remote working and for that figure to increase over the next five years. It also envisages encouraging the Industrial Develop-

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ment Authority, IDA, Enterprise Ireland and Údarás na Gaeltachta to promote this across their client base; funding the repurposing of vacant buildings in our rural town centres into remote working hubs to include rural pubs no longer be in use, or “hubs in pubs”; reviewing the tax arrangements for remote working in budget 2022 for employers and employees; legislation to give employees the right to request remote working; and funding our local authorities to run campaigns targeted in their areas to attract remote workers to their counties.

It is an exciting development for rural Ireland. It provides a long-term plan over the next five years and beyond to try to regenerate rural towns and villages decimated by depopulation. It will allow greater footfall and more residency in our towns and villages. We need people living in our towns and villages again. We are aware that rural people who have made the journey to live in Dublin, Cork, Limerick and Galway would love the opportunity to go back home, once there are employment opportunities. Why should they not be there?

The only silver lining of this pandemic is that it has accelerated the pace at which we, the State, will provide the opportunity and choice for our citizens to work in the areas they live and are from. We will no longer have a situation in which young people are forced to leave the communities they were born and reared in to seek employment in our cities because there are no opportunities where they are. I have no doubt smaller businesses, the SME sector, and the tourism and retail sectors in smaller towns and villages will be encouraged by this plan because it means more people living near their businesses and more business and footfall for them.

The plan’s reach knows no bounds. If it is delivered, as envisaged, it will be transformative. It will be incumbent on every public representative to get behind the plan and over the coming years to ensure it is delivered in a fair and balanced way so that every town, village and county gets its equal and fair share. I will be strongly advocating for my county, County Mayo, to see its fair share of the investment and opportunity our rural future plan can bring.

Senator Gerard P. Craughwell: I support the plan for rural resettlement. I hope it comes to fruition. It is a pity the old scheme was done away with because the rural resettlement scheme was a success in its own small way but I wish the new plan well.

The Leader will not be surprised I am on my feet once again because of the Defence Forces. Ireland has a responsibility beyond its borders. We are a member of the European Union and have a responsibility to protect Europe’s assets. We have a responsibility to ensure drug and people trafficking does not take place off our coast. We are in the sad situation in which four of our nine ships are tied up in Haulbowline in County Cork.

The establishment figure for the Naval Service is 1,094 people. We were recently told there were 899 people still in the Naval Service. However, if we remove the 37 untrained personnel, 27 recruits and ten cadet officers, we have 862 serviceable personnel. Some 24 of those have sought their discharge which will bring the figure down even further. The sea-going allowance brought in by the Minister, Deputy Coveney, which I and others welcomed, has been a disaster. Only 48% of those serving are qualified or eligible to apply for it, so it has been a failure. We are facing a situation in which we have few experienced personnel on board our ships. It must be a serious concern for all of us.

In the high level implementation plan agreed between the representative bodies and the Government last year, technical pay was to be implemented between level 2 and level 6. We now find out they will not be implemented. Are we really trying to drive people out of the ser-

vice? Apart from above sea, below sea we have massive assets coming into the west coast of this country from the United States. There will soon be a new data link between Iceland and Ireland and another between Santander and Ireland. We have massive data communications systems coming into Ireland and no way of monitoring them under the sea.

There is a commission sitting. The Leader has promised to bring in the Minister but we need urgent action to reverse what is going on.

Senator Rebecca Moynihan: I wish the Leader and everybody in the House a very nice, restful Easter since I will not get the opportunity again. I raise the issue of general planning and development which should be discussed in this House. A number of people, from a rural perspective, have raised the issue of national planning and development guidelines as development plans go through local authorities and the impact that will have on rural settlement and the ability of people to live together in rural environments. From my perspective and from that of an urban environment, I am very concerned about the impact the abolition of building heights is having on the city and about some of the planning applications coming through. Combined with the strategic housing development process, which will run until 2022, we have a recipe for many very bad decisions to be made, particularly in Dublin, over the next couple of months and the next year.

I will give an example. In my area, Hines has a site at Player Wills and Bailey Gibson. The development in Bailey Gibson, which is currently subject to judicial review, is 16 storeys and 19 storeys in Player Wills. The site is in the middle of the inner city and is essentially an infill development. It is an inappropriate height for what is there. I have long been an advocate for high density and have long compromised, particularly in the context of development plans for it. However, I do not think the high-rise that is proposed is good planning or equates to high density.

This kind of high-rise is adding to the cost of development, the price of land and land speculation. It creates additional costs in terms of fire safety issues, parking and costs associated with going above eight storeys. It is the type of developer-led planning that has not served us well in the past. We are building for pension funds rather than building places where people want to live. Even a Government report from the Department of Housing, Planning and Local Government, published in 2018, stated that high-rise, contrary to the assumptions of public relations, PR, is less affordable and does not necessarily lead to big increases in density, which is exactly what we want for good planning, transport services and other community infrastructure.

The report states that:

Contrary to common understanding, higher rise development...can be a more expensive form of development. This is generally due to the increased requirements from a structural and fire safety perspective. In this regard, high rise does not necessarily improve matters where affordable delivery is the focus, nor does it always translate into increased density.

I am convinced about increasing density and height in the city as we cannot have urban sprawl and urban spread. However, one can have good density, of between eight and ten storeys, if it is done across the board in the city. This type of piecemeal, 19 storey high-rise development, lashed in the middle of inappropriate places, does not equate to good planning. We need an overall debate on good planning in the city and country.

Senator Pippa Hackett: It has been a busy time for Government. Despite the ongoing

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issues in relation to Covid, the business of Government continues. Last week we saw the landmark Climate Action and Low Carbon Development (Amendment) Bill 2021 passed by Cabinet, and a new pollinator plan was launched before the weekend. Today, the Government will launch its new rural development policy, Our Rural Future. That all amounts to quite a lot of pressure on rural Ireland which has many roles to fulfil, whether it is to deliver for climate action, improve our biodiversity and water quality or deliver jobs. These are all significant asks.

However, rural Ireland is also the home to an increasing number of our citizens. There have been many heated discussions about the merits of one-off homes and who should be allowed to live in the countryside, but ultimately if we make our towns and villages more accessible, more liveable and more like home, then I am quite sure we will see this becoming a less divisive issue. Bringing life back to urban centres in rural Ireland will be key to delivering more vibrant and sustainable living, because rural towns and villages should not be there to serve only those who live in the countryside. They should be desirable places to live, work and raise families. The residents of such settlements will ultimately be the best stewards of them.

My local group in Laois-Offaly organised a super webinar last week called Revitalising Portlaoise. It brought together many people with a wide variety of interests, such as business, active travel, commuting, heritage, culture, and local amenities. The one thing they had in common was they wanted Portlaoise to deliver it for them. That was the landing zone and it will exist in every town from Birr to Edenderry, and Abbeylaxa to Mountmellick, and towns all over the country. I especially thank my colleague, Councillor Louise Heavin, for bringing the town centre first policy to life in the webinar, and our local area representative, Sean McManus, for his insights and views as a resident of the town. The town centres first policy is a keystone in the programme for Government.

I want to raise concerns about the cargo ship, the *Ever Given*, which I understand has become a little less stuck in the Suez Canal this morning. There have been many images circulating of comparatively minuscule diggers tackling the huge vessel and gags about three-point turns. Joking aside, it has had significant consequences for supply chains. It highlights the fragility that exists in global markets which are totally dependent on a fluid supply chain. The cost of this grounded ship is estimated to be in the region of €7 billion per day. Perhaps even more concerning is the fact that up to 20 livestock vessels are thought to be caught in this blockade, which is adding significantly to their journey time. We recently witnessed the fate of unfortunate cattle on two live shipments from Spain. These animals were caught at sea for months in horrendous conditions, which resulted in eventual euthanasia. It is critically important in farming and in transporting animals that animal welfare is held in high regard. Therefore, we must do all we can, including keeping journey times as short, safe and comfortable as possible, to ensure the welfare of these animals.

Senator Paul Gavan: Colleagues were rightly outraged by the Beacon Hospital-private school vaccine scandal and I know they spoke about it on Friday. However, a related scandal which has not really received any airing over the past couple of years is the €91 million subsidy given to private schools each year by this Government. To be clear, I have no problem with parents who want to send their children to private schools. However, I have a major problem with parents expecting to be subsidised by the Irish taxpayer to send their children to private schools. When one considers that Barnardos estimates it would cost just €112 million to make national school education truly free for all parents when it comes to schoolbooks and uniforms, surely, the republican thing to do would be to phase out the subsidy to private schools and the wealthy parents who send their children to those schools, and instead ensure there is proper free

education for everyone. This is an issue I have raised before but which successive governments seemed very reluctant to engage on. I ask for a debate on the issue so we can hear where everyone stands on €91 million in subsidies to private schools.

The second issue I ask for a debate on is workers' rights. I am continually concerned about how this Government is failing workers. I will cite three particular examples. The first is Deliveroo. I acknowledge other Senators have raised the issue of Deliveroo. It was very depressing to hear a Minister of State reply to Senator Seery Kearney, two weeks ago that this Government has no intention of legislating to protect Deliveroo workers when it comes to their employment status. My union, SIPTU, has clearly called for that status to be protected in terms of proper employee status. The fundamental question I ask is whether we, collectively, are okay with the idea of young people having to sit in the dark and in the shadows outside fast-food restaurants, night after night, and not getting paid? It is basically a recreation of the old hiring fairs. They are waiting outside restaurants to see whether they get a fare. They then take their chances on the roads in Dublin. There is something fundamentally wrong with that and yet this Government has, to date, set its face against legislation to get rid of bogus self-employment. That is an important point we need to raise.

My second example is community employment, CE, supervisors and the ridiculous decision by Fianna Fáil to do a *volte-face*, a 180° turn. Instead of supporting CE supervisors in their right to a pension, Fianna Fáil is now saying that it changed its mind on that, it is sorry and there is nothing it can do. It is so disappointing for those CE supervisors. My union, SIPTU, is involved.

The workers in Debenhams will be one year on a picket line next week. It is so frustrating to see the failure of Government to deal with this issue. There is the bones of a settlement available. The €3 million is not the issue. The issue is how we can give that money to those workers. The Government has failed. It is so disappointing to see that the Taoiseach has failed to write back to Mandate, not once but twice, on this issue. Those workers deserve so much better. I am calling for an urgent debate on workers' rights. The Government is failing workers.

An Leas-Chathaoirleach: The next speaker, and my constituency colleague, Senator Gallagher.

Senator Robbie Gallagher: Along with many other people in the country, I watched as our international soccer team went down 1-0 to Luxembourg at the weekend. It was a hugely disappointing result. I looked across the Border and our friends in the Northern Ireland soccer team are on a similar run where they cannot seem to buy a win either. It raises the question many people are asking me that perhaps now is the time for us to have a debate in this country about having an all-island soccer team just like we have in rugby and hockey. The reality is that for two small nations, such as Northern Ireland and the Republic, to have two soccer teams on one island and expect them to compete at international level is simply not on anymore. We have seen what we can do when our nation unites. We have seen how our rugby team can compete with the very best in the world. Our rugby team beat England less than a week ago - the same English team that went on to compete in a World Cup final not so long ago. I ask that we would have a debate in this country and perhaps the Members of this Chamber would kick-start that debate by having the Minister of State at the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Jack Chambers, come to this House to see how we could start this conversation. Northern Ireland, and indeed the Republic, have had some good days in the past. Here, in the Republic, we had an opportunity last night to watch a programme on Virgin Media

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One about dementia and the great late Jack Charlton who, like many others, suffered from that disease. I saw the scenes of the glory days when we had success in this country - indeed, Northern Ireland have had their day in the sun too - but not as often as we would like. It is time we had that debate. I would like us in this Chamber to kick that off by asking the Minister of State with responsibility for sport to come in to have a debate on that subject.

Senator Seán Kyne: I, too, would like to acknowledge the launch this afternoon of the Our Rural Future plan by the Minister for Rural and Community Development, Deputy Humphreys, together with the Taoiseach, the Tánaiste and the Minister, Deputy Eamon Ryan. Work hubs are proposed in 400 locations across Ireland. We have had debates regarding the recent closures of Bank of Ireland and the exiting plan by Ulster Bank, and we have seen certain areas where post offices have closed. There are key landmark buildings in many communities that could be used for such hubs.

I would like to acknowledge the work of the Western Development Commission and, indeed, Údarás na Gaeltachta, which over the past number of years have been promoting, even before the Covid pandemic or any changes to work practices, working hubs and digital hubs. Údarás na Gaeltachta has worked on its gteic network of hubs in places such as Carna, An Cheathrú Rua and An Spidéal. Indeed, the one in An Spidéal was the first project completed under the rural regeneration and development fund.

The potential of rural Ireland, as we all know, is huge. Whether it is in regard to work hubs or remote working, high-speed broadband is vital. I would like to acknowledge, as I am sure the Leader would, the work of the previous Government in ensuring that state aid was provided under National Broadband Ireland to ensure the roll-out of high-speed broadband, which is a key to developing rural Ireland.

We had a positive debate last week on the national development plan. We also had announcements regarding the urban regeneration development fund and today funding was announced under the National Transport Authority for active cycling and walking in all counties. All of these plans and projects have one key component: construction workers. I wish Cabinet well in its deliberations tomorrow on the next phases of Covid. Construction workers are key, and getting them back on sites in towns, villages and construction sites throughout the country is vital because we are at risk of people moving to England to get higher wages than what they receive with the pandemic unemployment payment, PUP, if we do not open up the construction sector soon. That is key to all of the plans and policies we have as a Government.

Senator Victor Boyhan: I thank all of the Senators who have raised the issue of the rural resettlement programme and the plan for the future of rural areas, which is all very important. Many of us represent rural communities and many Senators live in rural communities, which is even more important. It is also important that it is sustainable for people to live in rural communities.

Last week was a funny week in politics. It was a bit of a comedy show for a number of reasons which I do not intend going into here. Last week, An Taoiseach spoke at the launch of the Climate Action and Low Carbon Development (Amendment) Bill 2021.

He said that the Bill “will create tens of thousands of new green jobs” and increase employment in agriculture. As a member of the Oireachtas Joint Committee on Agriculture and the Marine I welcome that initiative. It is positive and really good news, and it is a good focus

and start to the Bill.

The Government must understand and not underestimate the scale of the challenges faced by farmers. Farmers know agriculture and climate change are inextricably linked. They know best about sustainable agricultural practices. Farmers also know climate change is important to their sector's sustainable development and profits. Farmers are ambitious too, not just for food production but also in wishing to have sustainability and production as key elements of their farm practices. The kernel of it is that the Government will need to provide substantial financial supports to farmers to assist them in the transition to new sustainable practices under a new just transition package. Just transition is not an optional policy extra for the Government but a legally binding obligation resulting from Ireland's adoption of the Paris Agreement. Under any just transition mechanism, economic costs have to be taken into consideration. Like everyone in this House, I want a fair deal for farmers and I look forward to a very realistic and pragmatic debate on this important legislation.

The Bill and climate justice are owned by us all. It is not a political gift for anyone and is not going to be hijacked by any political movement. We all live in this climate and we all must prioritise climate justice, which is the key message that I wanted to deliver.

Senator Malcolm Byrne: Gabhaim buíochas leis an Leas-Chathaoirleach agus is mian liom trí ábhar a ardú le toil an Leas-Chathaoirligh. First, I would like to raise the report of the Higher Education Authority this morning on completion rates for undergraduate programmes. It is to be celebrated that three out of every four undergraduates complete their courses. There is a concern, however, that students from disadvantaged backgrounds, in particular male students who enter with lower leaving certificate points, are not completing, and this is of particular worry in the field of science, technology, engineering and mathematics, STEM. I would like a debate on access to further and higher education.

I wish to raise the fact we do not as yet appear to have a solution to the long-running case of pensions for community employment supervisors. I ask, as a matter of urgency, that the proposal for agreement would be brought before this House and we would get some clarity from the Government as to the actions that are going to be taken.

Normally this April we would be required to fill in census forms, and householders in the North have been required to complete their forms in recent weeks. During the recess, on 7 April, the 40th anniversary of the murder of Joanne Mathers by the Provisional IRA will be marked. She was a young mother of a one-year-old child who took on the job of collecting the census data simply to bring in extra income for her family. She was killed by the IRA simply for doing her job.

11 o'clock

It was a senseless killing. The truth never fully emerged. I ask that, for her family and those who knew here, those who have information about her murder would come forward now, on the 40th anniversary of her death so that there can finally be some closure in respect of this disgraceful act.

Senator Jerry Buttimer: I ask the Leader to organise a debate on the travel industry, travel agents and the issuing of travel vouchers. As the Leas-Chathaoirleach and Leader will be aware, EU Regulation 261/2004 protects the rights of consumers and travel agents. Travel agents have been without income, or have had negative income, for a year as a result of Co-

vid-19. Our travel agents now operate under what is probably the strictest international travel regime in the world. Despite what some might say, travel has been absolutely stopped with the exception of travel for essential business.

I call on Government and the airlines, Ryanair in particular, to address the issue of the travel voucher scheme and I ask the Leader to facilitate a debate in that regard. Our travel agents require clarity, support and co-operation. I ask that all airlines accept an extension of the five-year rule in respect of travel vouchers. Hundreds of thousands of flights have been cancelled. If these vouchers are not used by a given expiry date, a refund is issued. These originally expired after one year but this was extended to five years. That is not an issue for most people but I have talked to many travel agents and they have told me that Ryanair has told them that, once such a voucher goes out of date, that is it, game over. That is not good enough. I ask the Leader of the House to bring the Minister in so that we can ensure travel agents and the travelling public will be able to use those vouchers beyond the one-year expiry date and that the five-year expiry date will be honoured. I hope we will have such a debate. It is important to give certainty and clarity.

Senator Mark Wall: I raise today the issue of the continuing problems families in south Kildare are having in accessing specialist treatment for their loved ones. On the back of prolonged delays with regard to assessment of need for families in the area, the HSE decided to redeploy a number of staff to this much-needed resource but this has resulted in unacceptable delays for families whose children were dependent on and seeing these specialists or, in the case of some of the families with whom I am dealing, whose children have moved along the age groups and are waiting on specialist therapy. It is my understanding that the local disability team was told to backfill the positions left by the redeployment of staff involved in carrying out assessments of need by the HSE. As this was only supposed to be a 12-week redeployment, the team looked for agency staff. There were none available as most had been scooped up to deal with the backlog in respect of assessments of need, the greater part of this backlog involving cases in Dublin.

I ask the Leader to raise this issue with the Minister. I would really appreciate that. I will finish my contribution today by reading a short extract regarding the day-to-day experiences of one of the families with whom I am dealing. It refers to a lady called Samantha Kenny and her daughter, Ava, who are from my home town of Athy:

Ava has such high dependency needs, she depends on a combination of equipment and her parents for every aspect of her every day life. Currently as it stands with Ava transitioning from early intervention to school age without an assigned team, she is at risk of being left behind. Without therapists Ava will not have someone to fit and adjust a chair for in home use, which means as a family she will have no safe way to be included within the home in family life. The same can be said for her wheelchair which means she will not have a way to attend school, travel in the family van or even just go for a walk in the garden. She also has a stander which lowers her risk of osteoporosis. As she has grown so much over the last year and with limited access to therapists due to covid, personal reasons and the redeployment, she has outgrown her equipment and faces transitioning with no assigned therapists to monitor, adjust and fit any future equipment. The staff do their best with the resources they have but still we feel very much that we may fall through the gaps as that is what has happened in the past.

I ask the Leader to bring this issue up with the Minister.

Senator Ollie Crowe: I want to address the decisions facing Cabinet tomorrow as it decides on the next steps with regard to the current level of restrictions. Like all Senators I am sure, I have received many representations on this issue in recent weeks and months. I recognise there is a difficult balancing act in easing restrictions while ensuring we avoid a fourth wave. The current level of restrictions, however, is simply not sustainable at this stage, as people are reaching breaking point. We must have faith in the people to act responsibly without the need for the intensity of level 5 restrictions. I urge the Government to allow the construction sector to resume immediately. We all recognise, particularly in my city of Galway, that there is an absolute necessity for more homes to be built throughout the country. Every week that the sector is shut delays the building of such homes.

This pandemic has had a considerable impact on children's development, as we are all aware. We must bring some level of normality back to their lives, ensure that schools will re-open fully on 12 April, as planned, and allow the resumption of outdoor sport, with training in pods at a minimum. We must also allow the resumption of low-risk outdoor activity, including sports such as golf, tennis, hiking and so on, remove the nonsense of the 5 km restriction and allow for outdoor meetings between friends and families. I wish the Cabinet well in its difficult decisions. I hope it will be guided by public health advice but also by the clear message people send us every day concerning the need for fewer restrictions.

Senator Garret Ahearn: There were two important announcements earlier, one of which related to a walking and cycling fund of €70 million, which is greatly welcomed. In Tipperary, we will receive €4.6 million, which is an awful lot of money to support walking and cycling tracks throughout the county. We are very lucky at the moment. While it is not as well known as the greenway in Waterford, there is a blueway in Tipperary from Carrick-on-Suir to Clonmel. It has been very successful over the past year since it was opened, particularly during Covid. The announcement today of €70 million gives Tipperary County Council and Waterford County Council the opportunity to connect the greenway and the blueway in Tipperary. A feasibility study is being carried out on the possibility of expanding the blueway from Cahir to the Rock of Cashel, which will enhance tourism along the way. I encourage both county councils to work together and seize the opportunity to connect the blueway and the greenway.

There was also an announcement from the Department of Rural and Community Development about promoting rural Ireland, in conjunction with the Tánaiste, the Taoiseach and the Minister, Deputy Ryan. It is about supporting people to live and work in rural Ireland and I welcome that, as someone who has lived in rural Ireland all his life and loves it. It will encourage people to live in places such as Tipperary. The new initiative will focus very much on remote working. Will the Leader ask the Minister, Deputy Humphreys, to come to the House after Easter to discuss the launch? We could examine the issue of the banks that have closed in recent weeks. In Tipperary, Bank of Ireland branches in Cahir, Cashel and Templemore were closed and perhaps we could examine them as opportunities for remote working areas. I have written to the CEO of Tipperary County Council, Joe McGrath, to inquire whether he could examine the opportunity to purchase or lease those buildings. Perhaps the Government or a Department would support him on that front. These are fantastic buildings in three towns and they give us the opportunity to encourage people to live and work in small towns in rural Ireland.

Senator Fintan Warfield: Something significant happened on the Order of Business on Friday last. Fianna Fáil introduced a Bill that seeks to lower the voting age to 16 years in local and European elections, and the Leader of the House, a proud member of Fine Gael, indicated she would support it. As a result, two Bills on the Order Paper seek to lower the voting age in

local and European elections. Let me remind those who have joined us what happened in the Seanad in the previous term. In 2017, Sinn Féin and the Civil Engagement Group, through myself and Senator Ruane, brought forward a Bill on Second Stage, which was delayed for 12 months by a Fine Gael amendment. We brought it back on Committee Stage 12 months later in March 2018 and Fianna Fáil proposed an amendment that would form a select committee. We ran out of time on that Committee Stage so we have resubmitted the Bill, which currently sits at Committee Stage.

Those two debates in the Seanad ensured that we did not lower the voting age to 16 for local and European elections in time for 2019. Now, because we have the time, we can work together to lower the voting age in time for the 2024 local and European elections. I hope that by Fianna Fáil submitting its Bill, we can work together and it will signal an end to the messing that went on in the two debates we had previously. Senator Craughwell will recall that we had good debates and the time was put in. We should, therefore, pick that up and legislate in time for 2024 to lower the voting age in local and European elections.

Senator Erin McGreehan: I wish to speak about and congratulate the young women and girls in Maryfield College, Drumcondra, who along with Amárach Research conducted a study on how young girls and women are being intimidated by catcalling. They call for legislation and for this to be made illegal.

The Seanad is mostly male. I am sure the Leader is very well aware of how intimidating unsolicited shouting, whether that be so-called compliments, whistling or whatever case may be, can be to a young woman, or any woman, who is walking down the street. It is not the effect of the catcalling and unsolicited comments; it is the domino effect of what that does to society. It is about sexualizing young girls. One thinks of grown men whistling at young girls in school uniforms and how perverse that is when one steps back from it. It leads into a domino effect in sexual behaviour and sexual assault and blaming the victim.

I spoke on the radio this morning and raised a very personal issue about being physically and violently groped in a nightclub. By pure reflex, I threw my elbow back and hit the person who did that. I was in pain and in shock, and who got in trouble? It was me. The bouncer came to me and said, "Less of that, lady, or you will be out." I explained my issue and he told me to move on. Therefore, I was the problem that night. This is continuing and repeated behaviour. It is an everyday occurrence, although obviously not now as nightclubs are not "everyday" anymore. We need awareness, however. We need to challenge the norms and be able to stand up and call it out. When we do, however, we also need other people to say they will call it out with us. We need awareness and education and we need to legislate.

Senator John McGahon: I wish to raise the issue of substitute teachers. I spoke to a couple of teachers in my home area of County Louth over the past couple of weeks, which is a good idea. I find I can do my job much better when I talk to people who are on the front lines of certain sectors rather than when we are in in the Seanad or reading stuff in briefing notes where one gets a theoretical view of the issues.

Until recently, I did not realise there existed this concept of the five-day rule, which is that a person who is qualified as a teacher but is waiting to get his or her teaching number, which could take a couple of months, is allowed to go into a school and substitute for five days. That person must then take one day off and is replaced by another substitute teacher, who comes in and substitutes for the final four days of teaching.

As someone who is coming into this sector without knowing much about it, it just seems mad and I do not understand why it is. I printed the information from the *education.ie* website. A person without a Teaching Council number can only substitute for five days in a row. He or she must then take a day off and be replaced by another substitute teacher who comes in and substitutes for the further four days. That is mad, in this day and age, because we have had a massive shortage of teachers during this Covid era. Perhaps it is a bit like trying to close the stable door after the horse has bolted but surely that rule could have at least been put on ice for the past year in light of the situation with teachers and Covid. I would love to have the opportunity to discuss education matters with the Minister at some stage and to ask her what the reasoning behind the rule is. To me as a layman it seems archaic. There does not seem any reason for it. These are qualified teachers who are waiting to get their Teaching Council numbers and we are in dire need of teachers who are willing to step up to the plate during Covid. They should be allowed to do so, rather than being hindered and held back by this type of bureaucracy.

Senator Micheál Carrigy: I rise to speak about the importance of a positive result for the Ballymahon Pobal le Chéile project under the 2020 rural regeneration and development fund. A category 1 application has been made and all the necessary consents are in place. The project is a collaboration between a number of organisations in the town, namely, the Tidy Towns team, Bridgeways Family Resource Centre, the local day care centre, the Men's Sheds group and Longford County Council. The project proposes the creation of a cluster of community support services in the town through the co-location of a number of service providers, including an enhanced family support service, a new dedicated youth club, extended elderly care services - both on- and off-site - and the development of a rural working hub. It would involve bringing a number of existing vacant buildings back into active use, including a former convent that has been vacant for a long number of years, and putting them at the heart of the community to play a key role in delivering services. There has been extensive consultation with all relevant stakeholders following the development of a local action plan in 2018.

Project Ireland 2040 sets out a number of strategic objectives, including the development of strengthened rural economies and communities. The service providers that are key to this application are providing vital services to Ballymahon and its hinterland and the project will, therefore, address the three pillars of regeneration, which are social, economic and physical regeneration. The huge opportunities in the co-working hub and the jobs created as a result of the development will directly impact the town and the entire rural area of south Longford. Furthermore, education opportunities and engagement with the youth in the region will ensure Ballymahon is in a positive position into the future to become a strong driver for that rural area. I ask the Leader to urge the Department of Rural and Community Development to fund this project.

Senator Regina Doherty: I thank colleagues for the variety of topics raised today. The project Senator Carrigy described would have huge merits in the area of Ballymahon and for the sections of society on which it would have positive impact. I will write to the Minister for Rural and Community Development and ask for the status of the funding from the rural regeneration fund.

Senator McGahon raised the five-day rule, which does not seem to have any logic. I wonder why it is even a rule. It probably has something to do with protecting employment rights or continuity of service but, as the Senator said, it seems incredibly illogical. As we will be in recess for the next couple of weeks, rather than ask the Minister for Education to come in for a debate I will write her a letter today to ask what the logic behind the rule is and if it could be

suspended during Covid. I will come back to the Senator with the Minister's response.

Senator McGreehan makes thoughtful contributions in the Seanad every week. It may not be very good practice for me to say this but I am absolutely bloody delighted that she put the elbow in on that particular day. This issue gives rise to a much more serious conversation. In the past number of months, we seem to have been having more of these kinds of conversations about the inequality in which women and children in this country have to live. Many of our male colleagues, friends and family members are somewhat surprised and perhaps defensive in some conversations we have with them. Of course, not all men carry on or cause women to have to behave in a certain way to protect ourselves. It is definitely a conversation that should be had far more frequently and maybe it will become commonplace for men to understand the kind of self-preservation women have to go through just to lead normal lives.

I would like to touch on what the Senator said about catcalling with regard to our children. I have a 14-year-old girl at home. She is the baby of our family but she is as tough as nails. It never ceases to amaze me when she talks about being the subject of catcalls on the way home from school. What is incredible is that the catcalling is not coming from 14-year-old boys, which one could potentially think is banter or that they are growing and trying to find themselves, it usually comes from older men. One has to wonder what is wrong in this world or this country that people find it acceptable to be catcalling sexual innuendo at a 14-year-old girl. It is beyond me. I am not sure how we could legislate for catcalling, but it is a matter on which we definitely need to have further conversations.

Senator Warfield raised the two Bills on the Order Paper with regard to reducing the voting age, in respect of which I expressed my support on Friday last in the Seanad. We need to have conversations with our 16 to 18-year-olds and, perhaps, 14-year-olds about what they are interested in. We can all fall foul of the thought process that young people are not interested in politics. They are but we are just not talking about the things they are interested in. Giving them the franchise would bring them into that sphere. Whatever I can do to help advance that, I am happy to do so.

Senator Ahearn spoke about the large amount of funding announced for rural Ireland for walking, cycling and interconnectivity. The investment in rural Ireland, developing our pathways, cycleways, blueways and greenways, is coming to fruition. I wish Tipperary success in bringing the blueway and greenway together.

Other colleagues mentioned the expected announcement at 2 p.m. today, which has been well flagged, regarding our future plans for rural Ireland. It is really exciting. I have been a Member of the Oireachtas for just over ten years. Much of the time we talk about the things that we do that will discourage a thriving society in rural Ireland. In recent years, it has been the reverse and that is really welcome. The plan to be announced today, in particular in regard to remote working, will be a game changer in that it gives people a viable opportunity to work and live in rural Ireland and have exciting and successful careers. We have attempted to redistribute public services in recent years through decentralisation, somewhat unsuccessfully. This does not mean we will have a pocket in Sligo, Roscommon, Cork, Galway or north County Dublin, which I represent. It means we can have all services at all levels with all opportunities in rural Ireland. I welcome the announcement to be made later today and I welcome also that many Senators have welcomed it this morning.

Senator Buttimer asked for a debate on the travel industry, particularly travel vouchers. On

the way here this morning, I heard on radio people talking about consumer rights in regard to concerts, something in our distant past but, hopefully, not too distant our future, and people constantly being told they are to be rearranged. Concerts that were due to take place last summer and rearranged for this summer have been cancelled again and are to be rearranged for next summer. An official from the consumer rights protection agency spoke about people being entitled to have their money back and not just rolled over. The reverse appears to be happening in the travel industry, such that we definitely do need a debate. We all know that travel is being interrupted again this year, much to our dismay, but people must be entitled to get the extension of the five-year rule introduced for vouchers last year and then have their money back, as opposed to it being rolled over for a further 12 months. I will arrange that debate when the House returns after the Easter recess.

Senator Byrne spoke about the higher education report. There are some really good aspects to the report, particularly around younger people coming to our third level institutions through the disability and access route to education, DARE, and higher education access route, HEAR, programmes and the successful outcomes they have in some more affluent societies that we always expect to do well. That is really positive progress. Senator Byrne also spoke about, sadly, the anniversary of Joanne Mathers. I concur that anybody who has information should come forward to help put an end to the suffering of the family.

Senator Boyhan spoke about rural Ireland. I agree with him that just transition has to involve all of us; it is not something that should be done to us. It is important all of us, collectively, are involved in it, particularly the farming industry because we will not have a farming industry if we do these things to our farmers. We need to work with our farmers to make sure we have positive outcomes while addressing the challenges that face that whole sector.

Senator Kyne also spoke about the rural plan and the 400 remote working hubs that are to be put in place. This will be seismic. Earlier, Senator Chambers made the point that it is very difficult to find a positive in the last 12 months but, if anything, the acceleration of remote working and our grow remote strategies, about which people have been talking for a number of years, is probably the one positive we will all hang on to.

Senator Gallagher asked for a debate on an international soccer team for the island of Ireland. I will invite the Minister of State, Deputy Jack Chambers, to the House for a discussion on it. We should be talking about it in light of the request from colleagues last week that the Seanad start to discuss the shared island experience and the outcomes. This probably should be less contentious than some of the other topics. I will organise it after Easter.

Senator Gavan requested two debates, one on workers' rights and the other on the subsidies to private schools, I will organise both after Easter.

People talked about the landmark climate action Bill that was launched by the Taoiseach, Tánaiste and the Green Party leader, Deputy Eamon Ryan, last week. Ours is probably the most ambitious plan of any state in the European Union, but it will absolutely require us all to be ambitious and not to be partisan or political.

Senator Moynihan talked about development plans and her aspirations for her city. That was a welcome contribution.

As he always does, Senator Craughwell talked passionately about the Defence Forces. I will ask for a debate after Easter. I might write to the Minister today on the Senator's behalf to

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find out why the technical pay is not operational for levels 2 to 6, which makes no sense to me. I wonder why it has not been implemented. I hope to be able to come back to the Senator a bit quicker than that.

Senator Chambers opened today's session very much welcoming the plan, Our Rural Future. I know we will all be avidly listening in when the Minister for Rural and Community Development, Deputy Humphreys, officially launches the plan at 2.30 p.m.

An Leas-Chathaoirleach: The entire House joins the Leader in offering good wishes in respect of today's launch.

Order of Business agreed to.

Sitting suspended at 11.27 a.m. and resumed at 12 noon.

Reports on Department of Health Policy in RTÉ Investigates Programme: Statements

An Leas-Chathaoirleach: I welcome the Minister of State, Deputy Rabbitte. I think I previously congratulated her formally in the House but if not, it is no harm to do so again.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I feel and understand the heartache, worry and disgust that has been raised by the "RTÉ Investigates" programme last Thursday. As any parent knows, we would go to any lengths to protect our children's rights. That is why it was like a kick in the stomach to learn that a Government body appeared to be impeding this process of parents fighting for their children. I was alarmed and outraged, as so many Members were. Since Thursday's broadcast, families have been left to question whether they have been impacted. Work is now under way in the Department to assess all files and to see what contact may be needed so that families can be informed.

I cannot believe a policy like this has been in place in the Department for more than a decade. I have only been in government as the Minister of State with responsibility for disability in the Department since last July and this is not a process I was aware of, nor had I been informed that a senior counsel had investigated the matters raised by the whistleblower, Shane Corr. I thank Shane for bringing this to the public's attention. That was a brave and courageous thing to do. I have not spoken to Shane but I am sure he felt this was in the public interest and needed to be reported. I tend to agree.

The Taoiseach's announcement on Friday that a multidisciplinary team will conduct a policy review is the correct way forward. This will allow us all to understand what legal basis was used to underscore this system and what alternative is needed. I share the anger of the Ombudsman for Children, the public and many of my Government colleagues. I am sure there was no malice intended on the part of the Department, but the public needs to be able to trust the systems in place because they are in place to protect the rights of children, particularly our most vulnerable.

I understand the Department and, indeed, other Departments and State agencies need to have policies and procedures in place to manage litigation and the public understand this. There is a reality that the Minister for Health, the Minister for Education and the HSE are named from time to time as defendants in cases. It is the role of the Office of the Chief State Solicitor

to provide litigation services to Departments under the direction of the Office of the Attorney General and it regularly jointly represents State defendants in litigation. The Department has told me that, in these circumstances, it is normal practice for defendants to litigation to co-operate and share appropriate information with each other where they have a common interest. I am informed that service information related to the cases is periodically received or sought by the Department from the HSE. The Department has always understood that it has a clear, legal basis for obtaining, sharing and retaining this information. The Department of Health is clear that it does not routinely seek clinical reports on plaintiffs from clinicians. I am also told that sensitive information related to cases always comes directly from plaintiffs as part of the advancement of their cases and that this information is provided by senior solicitors on their behalf with their consent.

We must acknowledge, however, that while what happened may have been lawful, it does not mean it was right. Driving without a seat belt used to be lawful but it does not mean it was right. My view is that the system lacks transparency. It appears shady even if that is not the case. The State should never even give the impression of operating in any kind of cloak-and-dagger way. I simply cannot stand over this particular system. It needs to stop now, and a new, more transparent method of managing the kinds of legal cases in question needs to be developed. Only then will it be trusted and will trust be restored.

I was so dismayed after watching the programme that I met senior officials in the Department on Friday with a series of questions so I could try to understand this policy. I am sure viewers of the programme and Members of the House have had similar questions. I will share some of the questions I put forward. How many open cases are there? How many impacted families will need to be contacted? When did this practice of case management start? Was other legal advice on this practice sought from other senior counsel, data protection specialists or the Attorney General's office over the years? If so, what was it? How regularly did the Department seek updates on these cases from the local HSE community health organisations, CHOs, and who sanctioned it on each occasion? How much of the material received came from the litigants for the family? When was the senior counsel hired? Why was the Minister not informed that the report had been received, or informed of its findings? How many people had access to the information over the years? What is the plan for the spreadsheet referenced, and is it still being used? Are there similar case management protocols in place elsewhere in the Department?

A multidisciplinary team is now going to investigate these matters further. It will also develop a more appropriate policy framework. We must ensure the system is transparent and patient-focused and advocates for what is best for the child and family. I have seen the hard, Trojan work done by the staff in the Department of Health and I have noted how child-centred they are. Every day, I meet several officials who genuinely ensure the rights of the child are the focal point of our work. Even in the midst of the pandemic, they are always working towards the more equitable provision of healthcare. My fear, however, is that this issue will have dented the great work across the health service.

Before I came into the House this morning, I received a telephone call. I was informed by the Secretary General that the intention is to publish the senior counsel's report. The Department is just receiving legal advice on it. I am referring to the senior counsel's report that was ordered by the Department last year and concluded in November, at a cost of €10,000 to the Department. Legal advice is now being sought on its publication.

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An Leas-Chathaoirleach: I call Senator McGreehan, who is deputising for Senator Clifford-Lee.

Senator Erin McGreehan: I thank the Minister of State. I was very glad to hear her comments. It was only human for all of us, including me as a mother and spokesperson on disability, to be absolutely horrified when we watched the report last week indicating that we have a Department that has been holding private medical records for decades for no reason other than that those concerned are involved in litigation, and that we did not act. I read the letter from the Department's Secretary General. It reads:

[We] regret the distress that headlines from this programme has [sic] generated. I would like to reassure [people that we have] never unlawfully held sensitive medical and educational information of children ...

If it is not unlawful, it should be. I am delighted the Minister of State has asked clear questions and I welcome the review of the policy, but each of us can express our horror and mistrust at the breach of privacy and the overreach of the hand of the State, which we have seen repeatedly. From my involvement with the mother and baby homes issue, I have seen how the State just takes control, thinks it knows best and overreaches its authority. We are seeing that in this instance. There was litigation because the State was failing these children. We failed them every day of the week. That situation is beginning to change and I am glad that, under the Minister of State's leadership, there have been many positive changes. This will be another positive change, but the reassurances from the Department and its Secretary General are not great. It is a shame Deputy Rabbitte, as a new Minister of State, has to clean up a mess that happened decades before she even dreamt of being in her role.

This situation is abhorrent. We need to reassure parents whose situations are so bad they have to sue the State. They are exhausted. They did not just decide to sue the State. They sued because they were at the end of their tethers and suing was the last resort. Then this breach of trust happened.

I will not delay the House for too long. I hope urgent action is taken. The Secretary General wrote that what happened was not unlawful, but it damn well should be. People's privacy and the trust they have with their doctors were breached. My records should not be disclosed if I am suing the State. I have had a few mishaps with the HSE in my time. Were I suing the State over those, the Department of Health should not have access to all of my medical files.

The whistleblower who appeared on "RTÉ Investigates" was phenomenal and brave. I could see the upset on his face over the files and videos he had seen. Speaking as a parent, it was incredibly upsetting.

I am glad there will be a review. Let there be less haste, but get it done so that we can restore parents' trust.

An Leas-Chathaoirleach: The Senator was well under time, so it might be appropriate for me to indicate that party spokespersons have six minutes each.

Senator Gerard P. Craughwell: I welcome the Minister of State. She is only just in office. Unfortunately, part of her role is to take on issues like this.

When I started teaching, I had a wonderful principal by the name of Jack Griffin. His advice

to the teachers he hired was, if they placed the student at the centre of everything they did, they would never have a problem with him. A caring State would place the child at the centre of everything it does. We would drive to deliver the best possible outcome for every child regardless of class, creed or whether the child had special needs. My first question is: why would any parent have to go to court to get what was rightfully their child's care? Why would we do that? How many parents who needed those things simply did not have the wherewithal to go to court? When a person takes on the State, he or she takes on the might and the deep pockets of every Department in the country.

The "RTÉ Investigates" programme, which I watched last Thursday, makes one's blood boil but it is necessary to step back and think logically about what was going on. Citizens of the State were suing the State and it was a multi-departmental lawsuit. In such a situation, I would fully expect that Departments would share information to fight the case. I have already stated they should not have had a case in the first place, but if they were going to court, the defendants have the right to defend themselves and in this case the State has the right to do that. However, looking at the countless things that have arisen in recent years from cervical cancer the full way through, it seems as though the first thing the State does when a case comes in is to pull down the hatches and everyone comes together to see how they can fight it.

The creation of the dossier, to my mind, is perfectly reasonable, but we need to go beyond it and ask what else was involved. According to the programme, doctors, consultants and psychiatrists shared the private information of their patients with a public body. That is not a case for anyone in this House to deal with but for the professional organisations which manage these people. They have codes of ethics and practice. It is my view the professional organisations need to step up and investigate this. If some consultant, doctor, psychiatrist, career guidance counsellor or special needs teacher did something wrong, there needs to be a sanction for that. I do not blame the State for doing what the State does to protect its assets but we need to go further. The programme merely scratched the surface of the denial of constitutional rights to children with special needs. That denial goes right through their lives. Recently, a teacher told me a 15-year-old child was exiting the school system, had absolutely no social skills, and was to all intents illiterate in reading and maths.

I am asking the Minister of State to go beyond where we are today. I wrote to the Taoiseach and Minister for Education at the weekend. We need an audit of everything to do with those children who have been allocated resources by the State, specifically special needs kids in schools. Are they getting every hour that was allocated to them on a one-to-one basis or has there been a misuse of hours? It has been reported to me there is a fraudulent misuse of hours going on in education, both at special needs assistant level and at the teacher level. We need to step into the Department of Education and pursue every single special needs child allocation that has been granted over the past 30 years if necessary and see whether those children received the hours they were entitled to and if they were one to one. I have been told that in some schools there might be, for example, six children assigned three hours of one-to-one education each. Someone might amalgamate the six kids, put them in a room for three hours and now they have had their three hours special needs education and the school has 15 hours to play with. If that is going on, we need to find out and we need to find out right now. If we have denied children their special needs resources, we, as a State, need to step up to the plate. I could say more but I appreciate there are time limits.

An Leas-Chathaoirleach: I thank the Senator and appreciate his co-operation for the smooth running of the House.

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Senator Martin Conway: It is great to have the Minister of State back in the House. Like other speakers, I was disturbed by what was revealed in the “RTÉ Investigates” programme on Thursday night. It is a programme that, by and large, gets things right. That is not always so and the case of Fr. Kevin Reynolds was one where it did not get it right. However, by and large, it gets things right and would not run with and put significant resources into this type of programme unless it was fairly sure of its ground and that there were serious questions to be answered.

That said, the Government has acted swiftly. The Taoiseach, to his credit, ordered a review the following day, which was the appropriate thing to do. We have been told by the Department, confirmed by the Minister of State today, that a senior counsel carried out a review following the protected disclosures made by the whistle-blower. I welcome the fact that the report is going to be published. The Joint Committee on Health wrote to the Minister for Health, Deputy Stephen Donnelly, on Friday evening, requesting a number of things, including that the report be made available immediately to the whistle-blower. This Minister of State might confirm whether that has happened and if the report will be made available to the health committee by tomorrow, ahead of its private meeting to discuss how to proceed on this matter. It has, essentially, been decided by the health committee that we will invite the current acting Secretary General of the Department of Health to a meeting immediately after Easter. We will also invite the former Secretary General of the Department of Health, Mr. Jim Breslin, who is now Secretary General at the Department of Further and Higher Education, Research, Innovation and Science. We are interested in having a discussion with both gentlemen about their concerns. It was reported over the weekend that the current acting Secretary General contacted the director general of RTÉ to share information and express concern about the programme. It would be unusual, to say the least, for the Secretary General of the Department of Health to ring the director general of RTÉ to intervene in a programme to be aired that night. I will not say it was inappropriate because he had good reasons for doing so and is a long-standing civil servant. I do not question his motivation. However, it is rather unusual that it would happen. I would like to know why it happened and what was the information he had and shared with the director general that he felt should change her mind about airing the programme.

Much will be clarified when the senior counsel’s report is published but the core principle here is medical ethics. Have medical ethics been broken here? That is the nub of the problem and it is a serious situation. When any of us goes to our consultant or GP, we expect absolute confidentiality and that information will only be shared with our prior knowledge or consent. This is exacerbated further when we are talking about children. If information has been shared to build and compose a legal case without the prior knowledge of the parents or their legal representatives, that to me appears to be a breach of medical ethics. The medical and professional bodies must make a statement and, in order to restore public confidence, outline their exact view on this matter. It is always regrettable to see parents having to take the State to court in order to secure educational supports for their children. It should not happen and should be avoided. However, I live in the real world and I know these things sometimes happen. They may happen for reasons with which I am not comfortable, but they happen. Of course, if the State is seeking to defend itself against a case, it is entitled to build a case in order to put forward the best defence possible because this involves taxpayers’ money. When that happens, all relevant information should be provided. However, if medical ethics are broken, then we have a serious problem.

I hope the rapid review the Taoiseach has ordered within the Department will report without

delay. The parents who may currently be considering legal action are in a perilous situation and do not know whether they are coming or going. The sooner there is clarity on this issue, the better.

If the Minister of State cannot confirm to the House that the report of the senior counsel has been made available to the whistleblower, I sincerely hope she will prevail on the Secretary General of the Department to make the report available to him. The consensus is that the whistleblower has done the State service with this protected disclosure and has shone a light on activities that, at the very least, are questionable and need to be examined. It is not good practice for him to be refused access to the report of the senior counsel. Will the report will be made available to the Joint Committee on Health? It is due to meet at 9.30 a.m. tomorrow. In order to allow me and other members of the committee to deliberate on the report in an effective and proper way, we need sight of it sooner rather than later. I ask the Minister of State to confirm the timelines in that regard.

An Leas-Chathaoirleach: The next speaker is Senator Bacik, who wishes to share time.

Senator Ivana Bacik: With the permission of the House, I will share time with my colleague, Senator Sherlock.

An Leas-Chathaoirleach: Is that agreed? Agreed.

Senator Ivana Bacik: I thank the Leas-Chathaoirleach. I welcome the Minister of State to the House and thank her for her attendance. I thank the Leader for organising this emergency debate, for her strong words of outrage and, indeed, for disclosing to the House the very positive news that the report of the senior counsel is to be published. I think all Members who watched the “RTÉ Investigates” programme broadcast last Thursday were utterly shocked and outraged on behalf of the families and children whose privacy and trust in the State were so grievously impaired by the actions disclosed in the programme. Commendation is due to Conor Ryan, the journalist behind the programme and, indeed, to Shane Corr, the very brave whistleblower.

The families in question have been treated with contempt and a lack of compassion by the State. They have faced enormous waiting lists and are exhausted trying to fight for the rights of their children. AsIAM expressed it succinctly, stating that the programme disclosed a grievous breach of privacy and trust of families who have already gone through so much. I am grateful to AsIAM and others for sharing with me their views in the wake of the programme. I am also grateful to Róisín Costello, who wrote such a clear article, published in today’s edition of *The Irish Times*, setting out the legal context and the key issues, namely, the lack of knowledge and consent on behalf of the parents to the sharing of this highly confidential and sensitive information.

I know the Data Protection Commissioner is already reviewing the matter and the Minister has ordered an audit. I hope we will all see the report of the senior counsel. I join colleagues in asking the Minister of State to clarify whether publication of the report means publication more generally or just to the Oireachtas Joint Committee on Health. We need to see further inquiries being made. It may be the case that, ultimately, a public inquiry is warranted. Until we know more we cannot be absolutely sure, but it appears clear that there have been breaches of medical ethics in the sharing of patient information without the consent of the patients. It also appears there was sharing of sensitive and confidential educational information, namely, school reports, again without the consent of the parents or children. The Medical Council and governance bod-

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ies for schools and teachers may well have a role in investigating those breaches of professional ethics because it is clear there are issues in quite a number of settings in terms of disclosure of information without consent. The Joint Committee on Health has asked seven key questions. Our colleague, Senator Hoey, sits on that committee on behalf of the Labour Party. We all hope the health committee will be facilitated in holding the hearings Senator Conway stated it was seeking next week. We all wish to see the seven questions it has raised answered.

The first question relates specifically to the publication of the senior counsel's report, so it may now be dealt with. It is important we know the extent to which other individuals, who according to Mr. Shane Corr were numerous, had access to this sensitive information and we need to know if there has been more disclosure of sensitive information, about which we do not know, in Department. I thank the Minister of State for coming in to us.

Senator Marie Sherlock: I thank the Minister of State for coming to the House and for her comprehensive statement. I join Senator Bacik in welcoming the Minister of State's statement on the publication of the senior counsel's report.

Like so many other people, I was horrified by what I learned from the "RTÉ Investigates" programme but we must keep reminding ourselves that at the heart of all of this are families with some of the most vulnerable in this State. These families are trying to vindicate their children's constitutional and essential right to appropriate education yet the Department of Health has chosen to expend valuable time, money and resources in an intelligence gathering exercise on both children and families at the centre of these cases.

We use the phrase "the State" but that is a broad term. I am sure hundreds of workers in the Department of Health and our health services are doing their best to deliver services to these most vulnerable of children day in, day out. It must be quite a kick in the teeth for those workers seeing the activities of the Department of Health's litigation unit.

The Minister of State and Senator Bacik referred to the seven questions that need to be answered. Ultimately, they boil down to the following questions. Why was the Department gathering this intelligence? To what use was it putting this information? It was not just about the child but about the family.

The Minister of State spoke about trust. Ultimately, the issue here is about culture in Departments. If one goes up against a Department, one does so at one's peril. There are serious question about why a litigation unit would want to gather information on a family member's alcoholism, obesity and overall mental state. Those were only some of the references we saw on Thursday night's programme.

We owe a debt of gratitude to the whistleblower, Mr. Shane Corr, the "RTÉ Investigates" programme and Mr. Conor Ryan for bringing this to light. The Government now needs to move swiftly because this is not just about the families concerned, it is about trust in the State's institutions.

I made a reference in the Seanad last Friday that needs to be repeated. The legitimacy of the State is facing a significant challenge from the far right, people who do not want to believe in the institutions of our State. I refer to revelations about the activities of our State, such as those about which we learned last week, coming out time and again and about the use of information. What was it going to do with the information? We are aware the State's institutions have previously used information about persons to undermine their cases. We saw it in the case of a

child whose family was threatened with deportation a number of years ago. We must clean up Departments to restore trust in the State's institutions.

Deputy Anne Rabbitte: I want to correct something. In my opening statement, I said I had been informed by the Secretary General this morning that it was the Department's intention to publish the senior counsel's report. It is receiving legal advice on it at present. I want to clear that matter.

An Leas-Chathaoirleach: I appreciate the clarification. It is important the House is aware of that.

Senator Róisín Garvey: I thank the Minister of State for coming in today. Unfortunately, she has been handed another poisoned chalice. It is a very serious matter. I speak on behalf of people who have worked with children with autism and the parents of children with autism. I want to be a voice for them today. I reached out to them after the event and they reached out to me. The average person affected by this has a series of questions and would like to find out the following. How do families establish whether there is a dossier on them and their children? Will the Department contact the affected families directly? How do they access the dossiers? Can a step-by-step approach be provided? What are the proposed lines of inquiry into why this has happened? Who requested sign-off on this? What are the proposed actions?

There is a request for an independent inquiry as it is not ideal for Departments to investigate themselves. It would be useful if a help desk or helpline was set up for parents to work through the actuality of the dossiers. Last night I tried, with a parent, to go through the HSE website on this and we could not find anything. The website just stated that there would be information available. We want to make it as easy as possible for these people, who have been really traumatised by what has happened. Can we ensure that this culture, which lacks both accountability and transparency, is addressed with both a top-down and bottom-up approach to the inquiry? Can the greater picture of lack of appropriate service provision for children and adults with disabilities, which I have spoken about umpteen times in this Chamber, be addressed across the lifespan of an individual? Can it be addressed meaningfully, thereby preventing this from happening again? We need to break the mould.

It sometimes appears that the HSE deals with files rather than humans. This issue affects people individually. It is heartbreaking that not only does a family have the challenge of dealing with somebody with a disability, whatever it is, but often seems to have the extra burden of launching its own individual campaign to fight for the rights of their child. It has to stop. The Minister of State could be the one to break the mould on this. She will have to try her best and I will support her in any way I can. I am sure she will agree it is not fair and it is wrong. We need to do better and I am sure the House will be behind her on that support.

Everything seems to be a battle. I have a friend who used to drive to Galway just so his child could attend a pre-school for autistic children. We do not have enough people trained in anything to do with any of these disabilities either. That is a huge issue. Training on autism cannot just be a two-hour, box-ticking exercise. We do not have enough pre-school teachers, qualified teachers or carers qualified to deal with people with disabilities. Often, a patronising service is provided even if it is not meant to be so. Even with the best will in the world, if carers are not properly trained, it is hard to get it right. People need and want their individual child's needs met. They want the child to be the focus of what he or she needs, not some file. They are not files, they are humans.

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Senator Lynn Boylan: I welcome the Minister of State to the House. I too thank her for being honest and up front about her horror at the “RTÉ Investigates” programme. The findings of that programme were extraordinary in that at the same time as families of children with autism are fighting to ensure their children get proper access to services to which they should be entitled, the Department of Health is gathering information to be used against them.

We know from the documentary that the information gathered, as others have said, was of the utmost sensitivity. It included school reports, details of psychiatric consultations with a child and videos of a child in a very distressed state. It was completely inappropriate for the Department of Health to have this information. It was a monumental breach of trust and also appears to be a breach of medical ethics. The whistleblower, Mr. Shane Corr, put it best when he said families had put their faith in the State when they brought their children to see psychologists, psychiatrists and doctors. However, that faith was not rewarded; it was used against them instead.

The way the information was handled just added insult to injury. It was and, perhaps, still is stored on a drive available to an entire division within the Department. As far as the families were concerned, their cases were dormant but the Department continued to collect information about them. Today, in *The Irish Times*, we heard from one of the fathers involved, Mr. Cian Ó Cuanacháin, who said that the dossiers were “sickening and retraumatising”, but “not surprising to anyone who ever openly challenged the Department of Education or HSE in the courts.” It is not surprising to anyone who has openly challenged any Department within this State because the experience of people, even within my own family, is that when the Department is challenged the State circles the wagons. It tries to avoid at all costs any form of accountability and rather than finding a solution or supporting its citizens in finding a solution, it instead brings its entire might down on them. From the “Prime Time Investigates” documentary, it seems there is no level too low to which it will sink.

Sinn Féin is calling for the establishment of an independent, non-statutory investigation into the ethical and legal rationale for this. The review within the Department, as announced late last week, should happen without delay but there also needs to be an independent review of these practices. Is it enough for the Department to investigate its own conduct, especially considering it had commissioned a review, which found the practices to be lawful, proper and appropriate? We want to see an investigation similar in scope and duration to the Scally inquiry into the CervicalCheck screening programme. It should be undertaken urgently and not drag on. We need to know what went on, who took the decisions, and how long it went on for. Several steps could be taken immediately before an investigation is conducted. The practice needs to stop immediately. We need reassurances this is not happening in other Departments. It was a monumental breach of trust, immoral and unethical. Families need to be supported in finding out that information and told exactly what information is being held about them. Files held by the Department of Health need to be removed immediately and stored safely until this situation is resolved.

I have a number of questions I hope the Minister of State can answer. She has said it is the intention of the Government to publish the senior counsel report. We welcome that and hope it happens but we need to know whether the initiation of this information gathering process was sanctioned by the Minister of the day. Who was the Minister, and did he or she know about it and approve of it? We know the whistleblower raised concerns with his bosses in the Department of Health last year. Who was Minister at that time? Was it Deputy Simon Harris or Deputy Stephen Donnelly? Were they informed of the fact a protected disclosure was made by

the whistleblower?

I thank the Minister of State for her honest and frank statements. I hope she is in a position to address some of the questions I asked and that the Government will support our call to establish an independent inquiry.

An Leas-Chathaoirleach: I thank the Senator. I emphasise your name this time and I apologise for earlier. I am sure both Senators Boylan and Ruane are anxious to maintain their individuality, and they are well capable of doing so.

Senator Lynn Ruane: Before I came to the House to speak, I was thankful knowing the statements were taking place but it made me a bit nervous. I am quite anxious speaking today and quite nervous as the mother of a child with autism. This issue had an impact in our home last week even though we did not have to go to the courts. Not only is there a collective solidarity, a collective and shared understanding of how difficult life can be when accessing services and support, but there is also the shame and guilt one carries as a mother sometimes because one may not have noticed red flags soon enough, one may have thought something different was wrong and may not have known, or waited too long before asking for help. The shame this brings had an impact. I think of kids who had diagnoses and their parents who wanted to correct those rights and correct what was taken away or was absent in their daily lives.

Not wanting to repeat the issue of lack of consent the State had in respect of those dossiers and information being given, before I came in to speak, I asked my daughter for her full consent to speak in a personal manner on behalf of her and the community to which she belongs. When we first got a diagnosis, Jordanne was 16 years old. Before that we were not really sure and I did not understand. If anything, as a mother I probably made things worse for her in demanding she get out of bed, asking her what was wrong and saying there is something wrong. There was an emotional overload. The idea that a meltdown on video was shared rattled us most last week, because I am a mother who has had to lie on her daughter to act as a security blanket to weight her down to make her feel safe. I am a mother who had to search the mountains when the sensory and emotional overload of a day became too much for her, to the point that I actually rang Deputy Seán Crowe whether there was a mountain rescue he could contact in the county council because I was at a reservoir where I could not find her and it was becoming dark. It is the fear, the desperation. When you go through all those things and start to finally realise perhaps there is something else here, you will go and ask for help, sit in a waiting room - you have probably waited after three trips to the accident and emergency department and two years on a waiting list - and say to your child, "Whatever it is, tell them everything, even if it makes me look bad and our home look bad so that you can get to the bottom of what is going on, how you feel, who you are, what you experience and why you are struggling day to day with life, emotions or senses, and trust them." You tell your child that and you encourage your child in that way. Then you also inform your child that, as somebody who has worked in the addiction and community sector for so long, you know that confidentiality is key to that profession, that your child will have the full confidence of that profession, the only time that it will break that confidence is if your child is going to murder someone or take his or her own life, or if your child is being neglected or abused. Beyond that, what happens in that room between your child and that medical profession is between your child and that medical profession.

I have spent years trying to get my own friends, who have already felt disenfranchised by the State for many different reasons, to trust in the services and to trust in the State, and stating that it will happen. I have had to drive parents. Since I became a Senator, I am conscious of

the capital that opens up for one in terms of knowing someone who is a consultant or knowing someone who understands autism. I have friends who are waiting years for diagnosis where I have got them, I have put them in the car with their child and I have driven them to my friends to give them some temporary advice on how to navigate the system, how to get occupational therapy and how to get speech therapy, and I am struck by the fact that when you do not manage to have all those needs met, you go to court and the very thing that you told your child to do, and you have to do, which is tell them everything, is then used against you. Senator Sherlock is correct about the far right, conspiracies and all of that. It is so hard to get people to believe in the institutions that they use. Then, when that stuff comes out, how do you go back and say that a person should still trust in them, still ask for that appointment and still talk to that doctor? It is so difficult.

We can talk about it being lawful, but there is something very wrong when so many people do not question something that is happening. That is power. I do not know if the Minister of State ever heard of control theory. Either one has not enough power or one has too much power. At both ends, one is breaking boundaries. One has so much power one does not even realise that one is violating someone's rights.

Senator Conway mentioned about a state protecting its assets and I sat there thinking my daughter is the State's asset. These children are the State's asset. The schools are the State's asset. We need to shift away from assets being some sort of economic output or reputation, admit when we have got it wrong and change it, and forget about protecting ourselves because that will keep the distance between those who need help and those who have the power to provide it. We must acknowledge that we need to lessen that gap and build that trust.

I am shaking even thinking about it. My daughter, when she saw all this flash up last week, texted me asking was all her stuff involved, and I said, "No, we did not go to court." That was the bit of advice I could give her, that her files are okay because we did not go to court. God forbid we had to, had it got to that point.

I agree with Sinn Féin. We need to have an independent review into this because it is a violation of people's rights. It needs to be independent and it cannot be carried out by the Department of Health. When so many people have got it wrong for so long - the medical profession is the one that bothers me the most in all of this - there is something wrong with our institutions. If we go this long without somebody saying this is wrong, we need to change this.

An Leas-Chathaoirleach: I thank Senator Ruane for sharing her personal experiences with us. It gives a reality to the discussion.

Senator Lisa Chambers: That is difficult to follow. I thank Senator Ruane and her daughter. What really struck me was Senator Ruane's comment that her daughter asked whether her stuff was in there. That tells us that one of our first jobs is to now reassure every child who has sought help that his or her stuff is not in there and will not be used. I put the Department on notice that this issue must be tackled immediately.

I thank the Minister of State for making herself available today. She only received our request last Friday and her attendance shows how seriously she takes this issue. I know she had no hand, act or part in any of this, but it falls to the current ministerial teams in the Departments of Health and Education, and the Government as a whole, to respond to this issue and address it in a meaningful way, one that shows there are consequences for what has happened. The

response must not be a report that will gather dust on a desk.

On the “RTÉ Investigates” programme that was aired, it is remarkable to say in this Chamber that the Department of Health was secretly using information from private consultations to build and maintain dossiers on children with autism to aid it in legal actions that were taken against the State. I am still trying to come to terms with the fact that this happened in this country. The work was done in co-operation with the HSE and the Department of Education. It involved detailed information sourced directly from confidential consultations between children and their families and doctors and professionals. These dossiers include sensitive medical and educational information on the children involved. They were built and maintained over a number of years by the Department without the consent or knowledge of parents. The reports include details of specialist service provision and document the well-being and mindset of parents as they cope with the needs of their child. Families were completely unaware that their disclosures to medical staff were passed on to the Department. Nobody knew about this. The information was then shared to aid the Department in putting together its legal strategy and help it determine when might be the best or most opportune time to settle cases out of court. It all came down to money rather than the well-being of the children.

The practice only came to light because a brave individual made a protected disclosure. An employee of the Department of Health gave information that files were being kept on children that were detailed, extensive and involved material sourced directly from consultations with psychiatrists and other medical professionals. I commend the individual on being brave enough to step out when others felt they could not do so. It is welcome that the Taoiseach has asked the Minister for Health to review the matter but that is just the beginning of the process. The fundamental role of the State is to advocate for the child and ensure that every child reaches his or her full development and potential. Above all, the State must protect the rights of the child. That did not happen in this case.

I know the Taoiseach believes this issue merits a full examination and will consult the Ministers for Health and Education. A multidisciplinary team involving the whole of government will be established to respond to this matter. We need to fully understand what happened but we must see real and meaningful consequences. As Senator Boylan said, we need to know who made the decisions, when they were taken and who was involved.

I acknowledge all of the employees who may have been aware of this issue over the years. We must be careful to acknowledge the difference between somebody who had the power to make a decision and those who were powerless to do anything about it. I say that because many people will feel an element of guilt for being complicit to a certain extent but many of those who were in that position may have felt they did not have the ability or space to come forward in a safe way. I emphasise that we are looking at the top level of management here over a number of years.

This is a nasty legacy issue, one of many that the State is grappling with and one of many where children have been failed by the State. I appreciate that the Minister of State is here to listen to the concerns of Members across the House. It is important, first and foremost, that we provide every person who is following what came out of the “RTÉ Investigates” programme with reassurance about their information, privacy and confidentiality. We must then examine, assess and provide the full facts of what happened. There must be consequences.

An Leas-Chathaoirleach: I thank the Deputy Leader. I apologise for earlier; I was looking

at the list from a different angle.

Senator Mary Seery Kearney: I thank the Minister of State for taking this debate at such short notice. We really appreciate it. I also thank Senator Ruane. Her comments were very powerful. I pay tribute to the whistleblower, Shane Corr, for his bravery and integrity in pursuing this matter. I also pay tribute to Conor Ryan of RTÉ. This was an example of public broadcasting, the fourth pillar of our democracy, at its best.

I do not have to imagine the horror and sense of betrayal families who have children with autism felt last Thursday because I received telephone calls and text messages throughout the programme. Let us be clear that parents should not have to sue the State to vindicate the rights of their children. I appreciate that the State must strike a delicate balance between providing what is wanted and doing what is possible and I appreciate that, in this instance, the gathering of data may well have been carried out without malign intentions. That is not, however, an excuse for excessive monitoring and intrusion into the very private and vulnerable places of these families without their knowledge or consent.

I have questions on this matter. Why was the normal process of discovery within the courts system circumvented? I presume this was done to avoid reactivating cases or alerting litigants to the fact they were being monitored. How dare they circumvent that process? What information was gathered? Was it ever used and, if so, for what purpose? How widespread is this practice? Do other Departments have a similar culture of overreach in the face of, for example, personal injuries claims? This is all before I even start into the area of the general data protection regulation, GDPR, which is my thing. My reply to Senator Garvey's comments is that all those involved should put in data subject access requests because, regardless of whether litigation is involved and whether such litigation is dormant or active, these people are still entitled to their files, saving where records are legally privileged.

We have seen information being gathered without consent or transparency and we have seen the appalling treatment of this information. It is alleged that everybody in the unit in question had access to the information. What an appalling lack of confidentiality that represents. It ignores the very principle behind the GDPR, which relates to integrity in the storage of data. I look forward to seeing the advice of senior counsel. I am very curious as to how these actions will be justified. What does this say about the attitude held towards the real people behind this information and the consideration of them as real people with real lives?

I welcome the Taoiseach's statement that this situation merits further examination and that he is speaking with the Minister of State and other Ministers with a view to setting up a multi-disciplinary team to consider the issue but, at the very least, it must have an independent chairperson. I would venture to say that we need a review across all Departments to be sure that this culture is not subscribed to elsewhere. Let us pour ourselves into resolving this issue.

Let us not waste any more precious and finite resources in denying or staving off what is patently and constitutionally owed to the most vulnerable in our society, our children. The Disability Federation of Ireland questions our commitment to the implementation of the UN Convention on the Rights of Persons with Disabilities, and it is quite right to do so. Let us show it our commitment in our actions and responses because these children deserve our determination to advancing their lives.

Senator Micheál Carrigy: I speak today not only as a Member of the Oireachtas but, like

Senator Ruane, as a parent who has acute knowledge of the system, the lack of services within it and the weekly, monthly and yearly fight for diagnoses to access services. Last week, I was sickened to watch the “Prime Time Investigates” programme and to hear how our State acted in gathering such information with the goal of aiding the Department of Health in developing a legal strategy to determine when would be a good time to settle or ask people to withdraw cases. It aimed to determine the mindsets of parents as they coped with the needs of their children. Details of marriage difficulties between parents and of possible addictions were gathered and efforts were made to find times at which parents, who were in extremely difficult circumstances, were vulnerable in order to get them to settle or withdraw cases. What were these cases? Why were parents taking them? These parents were seeking the provision of education for their sons or daughters. This fundamental right to access education for one’s children is guaranteed under the Constitution.

1 o’clock

We have made progress on the provision of education and education supports for children with autism. We have provided ASD class units and SNA supports but that is not enough. Autism does not disappear or go away when a child finishes primary or post-primary school. It is a lifelong diagnosis but there are no lifelong supports. The rights of persons with autism in all areas of life are enshrined in the UN Convention on the Rights of Persons with Disabilities, but we are far from seeing a society in which people who have disabilities are guaranteed the same opportunities as people who do not. For people with autism, this causes difficulties in accessing education, the labour market, lifelong supports, public services, housing and healthcare. It prevents them from fully participating in all areas of life.

I have drafted a Bill the purpose of which is to provide for equality of opportunity and treatment for persons with autism. I did so on the basis of having spoken to parents and advocacy groups and examined best practice in other countries, and as a parent myself. The Bill will empower persons on the autism spectrum by providing for their health and well-being in society, the betterment of their living conditions and their participation and inclusion in society, and by making conciliatory and consequential provisions in full adherence to the UN Convention on the Rights of Persons with Disabilities. I ask the Minister of State and her officials to discuss the Bill with me to ensure that it will get the necessary support and not hit the brick wall the State builds to block fundamental rights for people with autism. The State needs to right a wrong. It owes these men and women and their families an apology. We owe the families of all children with autism an apology and answers. Ahead of World Autism Day on Friday, I ask the Minister of State to support the boys and girls and men and women with autism and their families.

An Leas-Chathaoirleach: I appreciate that. Like Senator Ruane, Senator Carrigy brought a personal dimension to the debate that complements the heartfelt remarks of the rest of the membership of the House. I invite the Minister of State to respond to this important debate.

Minister of State at the Department of Health (Deputy Anne Rabbitte): I thank everybody who took the time to contribute to the debate. Like the Leas-Chathaoirleach, I thank Senators Ruane and Carrigy for sharing their personal information, and their children for allowing it to be shared. I am speaking off script and am giving my opinion. Sometimes people who work in Departments have to detach themselves and ask what the human side is, such as why there was a great deal of outrage about what was revealed on Thursday night last. I stand on the two Senators’ side, as both a person and a Minister of State, because I fundamentally under-

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stand the outrage that was expressed. I understand what Senator Ruane said about having to sit and talk to daughter, who is now almost an adult. She brought her experience to the House to trust, share and tell. In her knowledge, training and experience, she asked her daughter to trust that this was the right thing to do.

On Thursday night last, Senator Ruane, her daughter, Senator Carrigy and all Senators watched what transpired to be a betrayal of trust. This is no longer a conversation about what is lawful and unlawful, it is about trust. It is time the State listened to the rights of persons with disabilities and, as Senator Craughwell said, put the person at the centre of the conversation. Senator Boylan talked about the conversation and where it is going. We have to recalibrate it and it needs to be independent. When the State acknowledges that it is prepared to listen, we can then step forward. We have to put ourselves in the space of understanding what the families have experienced. The outrage is that while the Department might be detached, and perhaps it is lawful, it does not realise the human impact of what it is doing to families. Does it realise that for years families have sought the service and perhaps the service was not available, which is why they ended up in litigation? I am not a legal person, but my understanding is that there is a judicial review system as opposed to going down the financial path. I did not know that until last Saturday. I had to find out and understand. There is much wonder out there. Am I part of that? Am I in the dormant sphere of it? Where does general data protection regulation, GDPR, come into it? These are all really relevant questions. I do not doubt the Department was doing its best lawfully. Perhaps, however, there is an element of trust. That is the core value of this. It is what the Ombudsman for Children and Professor Conor O'Mahony spoke about. That is what Senators want me to speak about and it is what I have spoken about for the last four years. Just because I became a Minister of State did not mean I threw all that in the boot of the car and forgot about those values, which are very important.

I am, therefore, delighted that the Taoiseach has put an advisory committee in place and that the Secretary General is looking to publish the report and is seeking legal advice. I do not know the timeframe as to when that will be, about which Senator Conway asked. I know, however, that the Department has worked really hard all weekend to answer the questions on how many are dormant, how many are currently active and on how it will communicate. The Department is working on that as we speak. The most important thing we need to do is re-establish that trust and get those answers. If we do not, we need to formulate how we can recalibrate going forward.

As for Senator Carrigy's Bill, of course, I would be delighted to sit down and talk to him. I would be delighted also if officials sat down and had that conversation. Let us involve others and bring more people to the table when we have that conversation about children and autism. There are good people with lived experience. Involve all of us because we can give it a more collective sense of purpose when the voices are there.

World Autism Month begins this week. I look forward to possibly stepping forward on Thursday with a published senior counsel's report. That is the first level of transparency and the first stage on which we can set forward. I wish for that and hope it can come to pass. Needless to say, I will lend every support to World Autism Month.

This goes back to the fundamental fact that this is a rights-based issue. We need to keep young people at the centre of it. This must be about them. For far too long, this conversation has not received the required airing on the floor of this House or the Lower House. I believe, however, more ladies should be involved in politics as it brings an empathy and a peace to it and

brings this value system to persons with disability. We can have real, meaningful conversations and not be afraid to articulate our views or be closed down in favour of other priority issues. I thank the Leas-Chathaoirleach for allowing me to speak.

An Leas-Chathaoirleach: I thank the Minister of State for that comprehensive and sensitive response. That concludes the statements on this matter for now and, let us hope, for all time.

Sitting suspended at 1.04 p.m. and resumed at 1.30 p.m.

Covid-19 Vaccination Programme: Statements

An Cathaoirleach: I welcome the Minister. Fáilte go dtí an Teach. I thank him for taking time out of his day to outline the current situation as regards the roll-out of the vaccination programme.

Minister for Health (Deputy Stephen Donnelly): I thank the Cathaoirleach and colleagues for the opportunity to address the House today on the Government's response to the ongoing Covid-19 pandemic and the roll-out of the national vaccination programme. The pandemic represents the greatest public health threat in the history of the State and has required an unprecedented response. Every man, woman and child on the island has sacrificed so much of their personal liberty in our collective efforts to save lives and protect our families and communities. I thank every person, family and community for everything they have done so far.

I am acutely aware of the frustration the public feel in the face of the continuing level 5 restrictions, with a daily case number that remains higher than any of us would like. I have no doubt that, for many, it feels like we are not making progress in our fight against this disease and that there will be no end to this pandemic. I assure the House that the end is in sight and that we are making considerable progress towards it, particularly now that a successful national vaccination programme is under way. As a Government, we are doing all we can to defeat this virus and usher in a return to normality for the people of this country. The vaccination programme represents an enormous source of hope for us all nationally. I understand that public fatigue is at an all-time high. The burden that this pandemic has placed upon our lives has never felt greater for so many of us around the country.

Last year, we could only hope to manage this disease in our society. This year, however, thanks to the unprecedented international co-operation across our research, scientific and business communities, a suite of vaccines is now providing protection against Covid-19 and allowing for a transition back to normality. We finally have a light at the end of the tunnel but we are not out of danger yet and we must hold firm for a little while longer. The vaccination programme is progressing well and it is having a positive effect. As of 26 March, we have administered approximately 800,000 doses of the vaccine throughout the country, with many more people being vaccinated every day. We continue to expand our vaccination infrastructure, with the HSE advising it has trained more than 11,000 vaccinators.

Last month, the vaccine allocation strategy was revised to take into account the latest clinical and medical advice based on national and international evidence. Those with a medical condition that puts them at very high risk of severe disease and death are now being vaccinated as group 4. Our priority is to vaccinate and protect directly the most vulnerable among us,

namely, those most likely to have a poor outcome if they contract the virus. More than one in every eight adults has now received a vaccine, and we are starting to see the vaccine having a very real impact of the lives of our citizens. This is hugely encouraging.

Our nursing homes were among the most vulnerable settings for this virus. Nursing home residents and staff were the among the first to be vaccinated in Ireland. Serial testing for Covid in nursing homes is now showing a positivity rate of less than 0.2%, from which we can take great hope. In January, the country averaged 35 outbreaks per week in nursing homes. In the past four weeks, it has reduced from 35 to 2 per week, which is huge drop that is bringing comfort and relief to nursing home residents and their families as well as to nursing home staff. In-person visits to nursing homes have been taking place since 22 March. I expect all nursing home providers will facilitate visiting in line with the new guidance given the important role of visiting, social connections and communication with family and friends in the context of residents' overall health and well-being.

Covid-19 infections in long-term residential care among healthcare workers and in those aged 85 and over have fallen dramatically. The number of cases of Covid over the past two weeks among those aged 85 and older was 12% below what it was during the previous two weeks. This contrasts with a lower 5% decrease in case numbers in those aged under 85, where the vast majority are awaiting vaccination. Our medical experts expect to see drops in cases for the other age groups as they too are vaccinated.

I acknowledge the frustrations of many people with the with the roll-out. However, it has been our intention from the beginning to vaccinate on the basis of vulnerability to the virus to save as many lives as possible and to bring about a return to normality in Ireland as quickly as possible. This approach has been very successful thus far. We all remember the devastating effect the pandemic had on the nursing home sector last year. Those living in these congregated settings are some of the most vulnerable in our society to this pandemic. In January, 15% of all Covid cases were in nursing home outbreaks. By mid-March, this figure had been reduced from 15% to 1%. I hope this has afforded comfort to the residents of nursing homes and their families and to the staff who have worked tirelessly, often in very perilous conditions, to care for our loved ones. The recent increase of permitted visits to nursing homes will have a profound effect on many families and improve the lives of nursing home residents.

The vaccination programme has already had a big impact on reducing the high levels of hospitalisations due to Covid. The available epidemiological data has shown a 67% fall in the number of cases among those aged over 65, with experts expecting that downward trend to continue as we proceed with the vaccination of that priority group. As the volume of vaccinated people increases, the incidence of disease in our communities will fall.

There will be further progress in the vaccine roll-out. By the end of September we expect to have offered all adults in Ireland a Covid-19 vaccine. Over the next three months, between April and the end of July, we expect to receive over three times the number of vaccines we received over the first three months of this year. We expect to receive an average of 1 million vaccines per month during the next quarter, dependent on the ability of manufacturers to deliver consistent ongoing supply. Despite the challenges, we are consistently one of the top performers in the EU in terms of the speed of our roll-out. Not only are we doing very well in terms of the speed out the roll-out from an EU perspective, acknowledging the UK is head, we are also targeting the most vulnerable and the most complex cases in the country.

The vaccine roll-out represents the gateway to exiting this global crisis. It is one of the most important tools we have to tackle Covid-19. In parallel, the Government is strengthening our public health response, including increasing public health capacity, strengthening testing and contact tracing, increasing supports for self-isolation and enhancing surveillance capacity. Recent measures have been introduced to mitigate the risk of importation of new variants of the virus, including mandatory pre-departure Covid testing measures and more stringent quarantine measures for arrivals from high-risk countries. Our hospitals are under immense pressure, but additional capacity has been put in place across the health service, including in the context of critical care capacity. These are just some of the components of an unprecedented investment that is being made in our public health and social care services.

The most ambitious vaccination programme ever undertaken by the State is less than three months in operation but is already having a profound effect on our ability to beat this virus. I commend all the ongoing efforts of individuals, communities and our health and social care workers across the country. I look forward to the Senators' contributions on this topic.

Senator Lorraine Clifford-Lee: Like everybody else, I am eagerly awaiting tomorrow's announcement. It will be a difficult day because many people are expecting changes and feel we deserve such changes in light of the enormous efforts they have made. Many people understand that we are at a very crucial stage in the life cycle of the virus. The Minister has reaffirmed the need to hold firm for another few weeks.

I am very pleased to hear the nursing home statistics the Minister read out. Tomorrow, we need to hear hopeful statistics like that. We also need a roadmap out of this because people need hope. They also need to know if we hold firm we will be getting the 1 million doses of vaccine per month for the next four months and that they will be delivered in as speedy a fashion as they have been delivered to date.

What happened at the Beacon Hospital last week was very unfortunate. People I have spoken to have been horrified that it could happen. The public solidarity that has been shown over the past year has been shaken. I commend the Minister on his swift action and also the swift statements by the Taoiseach regarding the matter. We need to maintain that public solidarity in the vaccine roll-out schedule because, as the Minister outlined, it will be ramping up significantly in the next few months.

I wish to take a moment to reflect on some of the heroes of the pandemic. We have heard of course about the health worker heroes, but another cohort of heroes have gone wholly unnoticed, namely, the young people of Ireland. They have missed school, missed milestones and missed relationships. They have not had opportunities to go to the Gaeltacht, to complete their leaving certificate, to go to debs, or to partake in sports, drama, music or play dates. They have taken it very well and they have adapted well to the changing circumstances. They have dealt with considerable stress in their communities and in their families. I am very conscious that they do not have powerful lobby groups like many other people involved. Sometimes their voices are not heard in debates of this nature. Today, I pay tribute to the young people of Ireland. I suggest that perhaps we could have a national day to celebrate young people once we are out of the woods on this. It would be just a small measure to thank them for the solidarity they have shown. They have played such an important role in the handling of the pandemic that it would be remiss of us not to mark their solidarity.

I thank the Minister for his update. We thank him and his colleagues for the work they are

doing. We look forward to those millions of vaccine doses coming into the country.

Senator Sharon Keogan: I welcome the Minister to the House. It is always good to have the opportunity to address him in person. I acknowledge his job is no easy task at the best of times, not to mention during the circumstances pertaining since he took office. He inherited the responsibility for a health service that had, for years, suffered from a lack of capacity in key areas such as ICU. I note that the Tánaiste and his Government ignored pleas to expand capacity in these areas, a failure the nation has been paying a heavy price for over the past 13 months. Need I mention the national children's hospital project that has been plagued by incompetence, delays and skyrocketing cost overruns? I can empathise with the Minister on that front. However, we are well over a year into this global pandemic. Our healthcare system is in turmoil, our national debt is ballooning, people have lost jobs and been put on the PUP, businesses are on life support, our children have lost out on invaluable time in education, and all of our lives have been continuously put on hold for the past 13 months.

The scale of the damage being done to people, including to their mental and physical health, and to the country is incalculable. I have heard anecdotal reports that suicide and domestic violence are on the rise, with women and children being trapped with their abusers for months on end with little to no relief. Families have been deprived of the ability to attend the funerals of loved ones. Their grief has been amplified. Public worship has been outlawed in a most cavalier fashion without a body of solid and empirical evidence to support this move. The same can be said of construction. The cessation of construction is exacerbating the housing crisis and the chronic economic crisis.

From its ivory tower, NPHEC has force-fed the public a diet consisting of crude Covid statistical fear and admissions on a daily basis. This is hardly a diet that is conducive to good public health, mental or otherwise. NPHEC would better serve the public through the adoption of a holistic approach and a nuanced strategy that takes account of all aspects of public health in the short, medium and long term, as well as the societal effects of its diktats. I distinctly recall the Chief Medical Officer saying it was not his job to consider the consequences of his advice and that another body should perhaps be set up to do this. That body is called the Government. This Government, as well as the previous one, has totally abdicated its responsibility to take decisions to govern. The Tánaiste said in an interview with Claire Byrne that NPHEC's advice had not been thought through and that it had no answers to obvious and valid questions he had put to it on the consequences of its advice.

Regarding consequences, the Minister and the Government need to take note that the Irish Hospital Consultants Association is predicting that almost 1 million people will be on hospital waiting lists by the end of this year. These are people with serious and life-threatening conditions, cardiovascular disease, cancer and many other people with debilitating diseases. The life-threatening wait for treatments is set to get worse, with 700 hospital consultant positions remaining unfilled. Consultants say more beds and staff are desperately needed to deal with more than 900 inpatient and outpatient hospital appointments that have been cancelled to focus on Covid. Consultants have criticised the HSE's approach to mental health, the e-health technology project, recruitment, ICU capacity, and equipment. The allocation of 1% of additional Covid spending to mental health is "grossly inadequate" according to Professor Alan Irvine.

In light of this appalling vista, and I have only described the tip of the proverbial iceberg, I ask the Minister when he will admit he is out of his depth? We are at a point in this crisis where we need a Minister for Health who is willing to fight to get vaccines for the people of this coun-

try. The Department of Health and the HSE have been about as dynamic during the vaccination roll-out as a ship beached in the Suez Canal. It is simply unacceptable to sit and continue to wait for the European procurement system to deliver the vaccines our people urgently need. We need somebody who will act with a sense of urgency and provide much needed clarity and leadership.

This is the Minister's first role in any Government. I put it to him that he has lost trust and confidence on account of his mismanagement of this crisis. I am referring to the poor communication from him, the mixed messaging, the never-ending doom and gloom, the squandering of taxpayers' money on a failed tracking and tracing system, and the stalling of mandatory quarantine and PCR testing for foreign visitors to our country for the entire year. Meanwhile, Irish people cannot stray 5 km from their homes without fear of being stopped by gardaí or being asked for a reason for their doing so. I will continue later on.

Senator Martin Conway: Cuirim fáilte roimh an Aire go dtí an Teach. As always, he is very welcome to the House. This is a very positive day for my family because my sister-in-law, Una Hannify, who has Down's syndrome, is getting her vaccine in St. Raphael's School, Kildare. People are very happy about that.

By and large, the vaccine programme has been rolled out as effectively as it can be given the shortage of supply and so on but the problem is that there is a great degree of public distrust following what happened at the Beacon Hospital last week. That is absolutely not the Minister's fault and it would be very unfair of anybody to lay blame at his door but what we need now is full transparency and accountability. There needs to be a full review and audit accounting for every vaccine administered by the Beacon clinic since the start of the roll-out of the vaccine programme. I understand an official from the HSE went to the Beacon to take over the running of the vaccination centre there. It is now suspended. I sincerely hope that individual is now going to carry out an audit to ensure all of the other vaccines were administered to appropriate people.

We have a lot of questions, and there are many questions that need to be answered. We need to know whether the members of the non-executive board of directors got vaccinated, particularly those who are not in direct contact with people on the front line. We need to find out if family members got vaccinated. The silence from the Beacon since its statement on Friday has been deafening. It is regrettable that it has not provided full clarity on what has happened with all the vaccines.

A newspaper report over the weekend referred to the vaccination of people in childcare facilities who perhaps did not need to be vaccinated. That is also regrettable but we certainly need more clarity from the Beacon Hospital on what the hell went on there. We need to abandon the Beacon now as a facility as opposed to suspending it. On a scale of selfishness between one and ten, what happened at the Beacon was at the upper end. It would get a nine or ten in terms of absolute selfishness. The Minister cannot be held responsible for that but he can be held responsible for dealing with it. On that, I would like to know whether there are spot checks in general in areas where the vaccine is being rolled out. Are there spot checks in other centres and perhaps large GP practices where there is buddying up just to make sure things are being done right and that when we reach the end of the line and people have to be called in, vaccination will be carried out appropriately? I have no doubt that, in the vast majority of cases, this is the case.

I have a concern about availability in section 38 and section 39 organisations. This matter

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has been brought to my attention. In some cases, vaccination is very slow and vaccines are not being made available. In other cases, there is all sorts of speculation and rumour. We need full clarity. The only way this can be provided is by constantly auditing and inspecting.

The other aspect of the vaccination programme that needs to be addressed concerns people with underlying medical issues, the vulnerable and the sick. At this stage, they need to be given an indicative timeline as to when they are going to get vaccinated. There are people with serious underlying conditions who are still waiting to be contacted by a body, be it a general practice, consultant, hospital or day facility, to tell them when they are going to be vaccinated. It is incumbent on all parties to communicate a timeline to people. People are reasonable. All they want to know is that they are on a list and will get the vaccine at some stage in the near future. People not receiving any communication is a problem. They are beginning to doubt whether they are on a list. Some people have GPs, others are under consultants and others still are under both. Some are being told by their consultants to go to their GPs or *vice versa*. That is not fair or good enough, as the Minister knows.

Regarding tomorrow's announcement, I will probably go against what has been said by many. I want NPHE and the Government to be conservative in what they reopen. We have gone a long way in tackling this disease. People are being vaccinated and a great job will be done in that regard over the next three months. For the sake of another six to eight weeks, why undo the great work that has been done? Let us be careful and cautious. I appeal to people to follow public health advice, as difficult and all as that is.

I wish the Minister well in what is an extremely difficult job.

Senator Rebecca Moynihan: I thank the Minister for attending to outline the vaccination programme. Having this discussion is worthwhile, particularly in light of Friday's revelations.

I do not want to focus on the supply issues, given that April and May are key months, but the slow roll-out is frustrating as we see the UK exceed 50% of its population. Our slow roll-out must be laid at the door of the EU and the lack of urgency therein. I hope that we manage to catch up and have the full vaccination programme that we have been promised for the next three months.

I wish to focus on the lack of strategy in and overview of our vaccination programme and its roll-out in recent weeks. We have a priority list, which many agree is fair and balanced since its revisions. I welcome that the Government took people's views on board, including about underlying conditions. However, that is it. At a simple level, we do not have a central list of, or any way of knowing, who has been vaccinated. I welcome that multiple sectors of society are facilitating vaccinations, for example, large vaccination centres and GPs, but it is a major oversight that we do not have a co-ordinated list. Senator Conway touched on this matter in terms of people being bounced around. A friend of mine has stage 4 cancer and had been attending two hospitals but her treatment is not active at the moment because she is in between treatments. She was not sure about her vaccination. Each hospital said that the other hospital or her GP was responsible for it, whereas her GP said that the hospitals she was attending were responsible. Why did we not build a simple database tied to PPS numbers, which are the only identifiers this country has, to know who had been vaccinated? As the months go on, this will unfortunately become a greater problem.

As of 25 March, 760,000 vaccine doses have been administered. Today in *The Irish Times*,

Mr. Paul Cullen reported that the HSE gave 220,000 as the number of front-line health workers who had been vaccinated. However, according to his figures, only 80,000 of those worked for the HSE. Even if sections 38 and 39 organisations were taken into account, it is difficult to see how these numbers add up. Mr. Cullen did not get follow-up information when he requested it. The administration of vaccines in residential care facilities is welcome. There are 32,000 residents in nursing homes and approximately 20,000 to 30,000 staff. The numbers in this regard are not adding up either. Where are the vaccines going?

I am not naive or demanding enough to say that we must have perfection over progress. Everyone who gets vaccinated is welcome. However, a question arises, particularly in light of what happened with the Beacon Hospital, about whether the vaccines are going to the people with underlying health conditions who need vaccination the most or whether they are going to people who are even tangentially involved in or in the vicinity of the HSE. This is a real concern.

2 o'clock

If more things happen like what happened in the Beacon, which was the epitome of antisocial behaviour and entitlement, that is, sending those vaccines to a school that was known to someone and passing over a load of other schools and facilities, there is a concern that it will undermine the programme. I ask that clear guidance be given that the vaccines go to front-line health workers or people on the priority lists and that there be spot checks and follow ups to ensure this. We are all hearing of someone who knows someone who is tangentially connected and may get vaccinated.

I welcome the Minister saying that there are 11,000 HSE-trained vaccinators, however I expect we are all hearing stories of people who have found it so difficult to become vaccinators that they have given up. We need as many people as possible who can be trained in becoming vaccinators, particularly as supply is ramped up in the next three months. We need to simplify and clarify the process. It is a real issue that can hinder the roll-out over the next three months.

Senator Róisín Garvey: I welcome the Minister back to the House, I am sure his time is precious during the crisis. I welcome the resumption of visits to the old folks homes. It is massive and means so much to people to be able to see their families twice a week. It is a step in the right direction and it is hard not to get teary-eyed thinking of people being able to see their families again. I am pleased that we can do 105,000 vaccinations in the next week, which is quite impressive. No one has had to do this before. There will always be faults but everyone here, including ourselves, want this to be dealt with as soon as possible in the best and fairest way. What happened in the Beacon, and in another case where there were 15 vaccines, is appalling, of course, but it is probably 50 vaccines out of 900,000 we have distributed to date. I do not know if it should be the big news story of the day. We have to give people hope and everyone is trying to do their best, including the Minister. It is massive that we are going to have 37 mass vaccination centres, which we see working so well in other countries. We must all support everyone in every way we can with the roll out.

However, it is never perfect. On the vaccine distribution, everyone has a PPS number. I have friends who run old folks homes where all have been vaccinated except for four new patients. The manager has had, say, ten different phone calls from three different sections of the HSE looking to arrange the vaccines of those four. I do not know what is happening there but

somehow there is a disconnect. That needs to be looked into because we need to ensure that the vaccine is only going to one person, yet they are being offered it from three different avenues in the same organisation. My computer science degree is very old but even I could write a programme to see how to use PPS numbers to ensure there is no overlap.

The second thing I wish to highlight is the importance of resuming some procedures outside of vaccinations in hospitals. People are facing life-threatening illnesses and hospitals are probably the safest places now. Everyone who works in them has been vaccinated and they all use PPE. The health and safety standards in hospitals are as safe as anywhere in Ireland yet people cannot go in for procedures. For example, my friend's five-year-old daughter is one of 18 people in the world with a form of dwarfism where she has been on life support three times. She has missed her last three appointments, which would have seen what the next steps were for her to give her the quality of life she needs. Everyone cannot be prioritised and everyone has a story, but when can we give them some hope of resuming appointments? This girl has a consultant in Crumlin hospital where it is very safe and where everyone has been vaccinated. We need to strike a balance. I hope the Minister is getting some sleep at night. This whole situation is torturous. I believe that if there were no issues around the supply of vaccines, we would be much further ahead by now. If there is any way we can support the Minister further, I volunteer to do that.

Senator Paul Gavan: I thank the Minister for coming in because I know he has an extremely busy schedule at the moment. This week is going to be crucial for him and the Government. There are a number of concerns and I will try to go through them as quickly as I can. The first is fundamental. As we know, the national immunisation advisory committee, NIAC, has identified and prioritised 15 groups for vaccination. Does the Government know how many people are in each group? That is fundamental. I am asking because it appears that the Government does not know the answer to that question and it is causing confusion and a lack of confidence.

Like my colleague from the Labour Party, I will reference Paul Cullen's article in the *The Irish Times* today because it is good. It states: "The HSE says 220,000 "front-line" healthcare workers have been vaccinated, yet only 80,000 of these work for the State health provider." Mr. Cullen goes on to make the point that the other groups do not seem to make up that total. He also states:

Some 177,000 people have been vaccinated in long-term residential care facilities. There are 32,000 residents in nursing homes, and about 20,000-30,000 staff.

A breakdown of those groups would be useful because if the Minister would be able to give us that, it would give confidence to the general public. It is worrying that the Department of Health has not been able to give that breakdown to my colleague, Deputy Cullinane, who has been asking for it for the past couple of months, or to *The Irish Times* for that particular article. That suggests the Department does not know, which raises the more fundamental question that if the Government does not know the numbers of people in each group, how can it plan the roll-out from here? That is fundamental.

It is a pity we were not given a copy of the Minister's speech because it would have been helpful to go through it. I caught a reference to a figure that 800,000 people had been vaccinated by 26 March. That is good and I welcome that clarity. Can the Minister tell us if we will hit the target of the vaccination of 250,000 people each week from next week onwards, as we

need to? That is fundamental, although I fully accept that is subject to delivery. I accept the Minister's point that the vaccines must arrive. Is the capacity there?

The Minister mentioned that 11,000 dedicated vaccinators had been trained up and that is a welcome figure. However, I am confused because when I spoke to the head of University Hospital Limerick on Friday of last week, she said there were 100 additional dedicated staff. Senators Conway and others were also on that call. I am finding it hard to marry those figures. The Minister will acknowledge that concern. Is the capacity in place to make sure we hit the target of 250,000 vaccinations per week?

I will move on to the people who received vaccines when they should not have. This is fundamental because it is adding to a lack of confidence among the general public. I call for the Department to initiate a full investigation across all areas because the last thing we need is more leakage and other examples of people who, through contacts or privilege, have got the vaccine when they should not have. There has been a drip-feed of revelations over the past number of weeks and they have been damaging to the Department. The best approach would be for the Minister to tell us clearly if there are more examples of that sort of practice happening. He should tell us that today when he is responding. Has he been made aware of any further examples of people being given the vaccine ahead of their place in the queue?

Speaking of the vaccination queue, Sinn Féin has put a fundamental emphasis on family carers, as the Minister knows. When will he instruct NIAC to look at family carers and apply ethical principles to this group? Family carers are recognised as health and social care workers in the national carers' strategy but, inexplicably, they are not counted as such for the purpose of the vaccine roll-out. One family carer stated that her son is developing a stutter because of a lack of interaction and conversation with people. The child is only three and cannot be vaccinated. If he gets sick, he will have to go to hospital but his carer, his mother, will not be vaccinated. Parents are having to make impossible decisions and it is the responsibility of the Minister to fix that. I ask him to do so as a matter of the most urgent priority.

I raise the issue of Limerick. We are all completely puzzled as to why we in Limerick do not have a vaccination centre. Why has the Government put the vaccination centre for Limerick in County Clare? It is impossible for people living in Abbeyfeale or Newcastle West to get to the vaccination centre. The other problem is that the vaccination centre is not accessible by public transport. Unless one has a car, one must organise a taxi in order to get there. It makes no sense. The HSE referred to figures from the Central Statistics Office. Is it saying there has been a sudden displacement of people from Limerick to Clare? It just does not make sense and people in Limerick are angry about that. It is a basic thing that there should be a vaccination centre in each county, yet the Government has failed to deliver one for Limerick. It makes no sense and I would like an answer on that issue. I appreciate the Minister taking the time to come to the House.

Senator Alice-Mary Higgins: The Minister is welcome. It is important to emphasise that vaccination cannot be our only plan. I worry that so much now is focused on the end goal of vaccination that we do not have as much emphasis as we need on the many preventative and other measures we will need to use in the months ahead. With all due respect to the Minister, it was unhelpful for the Tánaiste, Deputy Varadkar, to state that we will not get the case numbers below 500. It has also been unhelpful to see the amount of energy put into challenging independent scientific advice that seeks a more aggressive and ambitious reduction, even on a regional level, in terms of cases. More needs to be done and a signal of ambition in respect of

that aspect must go out very strongly.

As regards the vaccination programme, there are a few technical issues. I refer to the issue of access to public transport, which has been mentioned. At least some of the vaccination centres should have better public transport accessibility. That is very important.

On the issue of the number of vaccinators, I know the HSE received 4,000 applications from individuals. Many of them are facing a significant number of difficulties in getting those applications processed. We need to scale up the number. Crucially, that must not come at the cost of retaining testers and contact tracers and increasing recruitment in this regard. It is disappointing that we are only now seeing the message that they will trace back five days. For more than 12 months, I and others have been calling for that to be done because it is how one catches asymptomatic cases and reduces the numbers.

On prioritisation, as other Members stated, a significant amount of thought has gone into the list. However, I note the importance of prioritising those who are caring for and supporting vulnerable persons. I refer to professional and family carers, as well as personal needs assistants and special needs assistants, who we know from the experience in the UK have a higher vulnerability. In that regard, I appeal to the Minister to speak to the Minister for Education, Deputy Foley, around accommodating remote learning for children in whose families in which are vulnerable members. The children should not be marked as absent where a member of their family is being cared for. A very blunt approach has been taken in that regard and families have struggled when the child is not the person who is vulnerable, but there is a vulnerable person at home. There needs to be room for nuance in such situations. Of course, allowing remote learning for such children would reduce the numbers in classrooms overall and create greater safety for everyone.

My main focus is on the issue of justice. Reference has been made to the outrageous situation at the Beacon Hospital and the fact that prioritisation was made based on wealth and connections, which should never be the case. All Members know that is what we do not want to see. It is absolutely crucial not just that the situation at the Beacon Hospital be addressed but also that those bad practices at senior level by the CEO are addressed and shown to be unacceptable to people in this State.

On a wider level, we need to apply those principles internationally and globally. We know from Oxfam that 14% of the world's population are now in possession of 53% of the effective vaccines. The issue is not simply a moral question around distribution of the vaccine; it is the artificial scarcity in supply of vaccines that relates directly to the prioritisation of the maximisation of profit over the sharing of intellectual property, technical know-how and other manufacturing information. The WHO has warned that we are on the verge of catastrophic moral failure. That will be on us. We will all be the people about whom we rage in the newspapers if we do not step up. The Joint Committee on Foreign Affairs and Defence has highlighted the need to act on this issue, and not just to support Covid-19 Vaccines Global Access, COVAX, but also the Covid-19 technology access pool, C-TAP, initiated by the WHO. Indeed, there should be consideration of a trade and intellectual property rules, TRIPS, waiver. Shamefully, just a month ago Europe and the United States blocked a request from 100 countries and the WHO for a temporary waiving of intellectual property in order to allow a massive scale-up in global vaccine production and access. We will be back around the table to take the decision will in late April or early May. The US is now considering a temporary waiver. Ireland needs to show moral leadership on this. We need to signal we want to support a massive global scale-

up. It should be borne in mind that €6.5 billion of public money and €1.5 billion of civil society money went into the development of vaccines. We have funded this. It is a public health good.

It is not just a question of having a politics of principle or a politics of patronage in which people trade supplies with each other, it is also a question of collective safety. Until we are all safe, none of us is safe. We will see new variants emerge everywhere in the world that is unprotected which will affect all of us and the vaccines will stop working for everyone. It is a huge moral moment. I want the Minister of State to show leadership and demand leadership from her Government colleagues, including the Minister for Enterprise, Trade and Employment.

Senator Lisa Chambers: I welcome the Minister of State to the Chamber. It is great to have her here. It is good to have an opportunity to discuss the vaccine roll-out because as the Minister of State has said, vaccinating an entire population against a virus which, as far as we are aware, only came into existence just over a year ago is probably the most important public health initiative in living memory. It is quite remarkable, so we must acknowledge the good work that has been done in extremely difficult times.

It is worth noting we are at almost 800,000 first doses and that 80% of the population should have their first vaccine by the middle of June. It is a significant achievement by the Government, the country and the people to get to that point. It is worth acknowledging that.

I concur with what Senator Garvey said on nursing homes. It is going really well and physically meeting their loved ones again has made a big difference to many families and residents in the nursing homes in particular. It has been a huge boost to those families. The mass vaccination site in Breaffy in Castlebar in my home county, County Mayo has been working well. It has been positive. People like to see it up and running in their area.

I commend the Minister of State on her quick action on the Beacon Hospital story. She and the Government were put in a difficult position. The privilege displayed by those involved provoked mass outrage and the right decision was taken to suspend the vaccination programme at the hospital. The words of the Minister for State, other Government colleagues and the Taoiseach were strong in putting it back on the board of the hospital to take action because people want to see consequences. It was handled quite well.

While we all have different views on how things are working, all the contributions to the debate have been constructive, except for Senator Keogan's contribution, who I have to take issue with. We do not come to this House to kick other people to elevate ourselves. That is not how we do our work. Take issue with a person's policy or work but do not come in here to personalise the debate.

I cannot keep up. Senator Keogan is on public record last November as having questioned level 5 restrictions, the deadliness of Covid-19 and asking the Minister for information on how many people who died of just Covid or if other factors were at play. She even suggested exploring restrictions for those most affected and letting everybody continue living. The Senator wanted to leave people behind.

Senator Keogan criticised the communications of the Minister, Deputy Donnelly, and the Government on Covid-19. In November, she questioned the need for daily number announcements and press conferences, so she did not even want the communications. Senator Keogan went from being vaccine sceptical to wanting full vaccination, and from zero Covid to saying "let it rip". I am finding it hard to keep up.

However, Senator Keogan has been consistent in that, every time a member of my party comes into this House, she puts the boot in. I can tell her it has been well noted on this side of the House. It is just not the way to do business. The Senator can have her say but do not come in here to put the boot into another colleague who is here to do his job. Being Minister for Health is really difficult on the best of occasions. It is the most difficult brief any Minister in Government will hold. We all know that. It is one of the briefs people actually run away from because it is so challenging. We now have a Minister who is not only Minister for Health, but for Covid, vaccination and hotel quarantine. He is doing a remarkable job and it is amazing he is holding it together, as a person and as a human being, with the workload that is on his shoulders. As colleagues in this House, from all parties and none, the very least we can do is get behind the team that is fighting on behalf of this country to get us back open and get our children back to school, our businesses back up and running and everyone vaccinated. That would be a far more productive use of our time than coming in here throwing scuds at one another, to get a few popular lines in one of the newspapers or a clap on the back for five minutes for a Facebook post. That is all the Senator will get out of it. What she will not get is anything good for the public or the people that we serve.

Senator Garret Ahearn: I have many matters to talk about but on behalf of the Fine Gael Party, I will back up Senator Chambers's comments. I am sure we all agree that Senator Keogan's comments are an absolute disgrace. They are personalised comments about a Minister who, as most Senators would agree, is one of the most accountable Ministers in coming to this Chamber on a weekly basis. There is no one more accountable than the Minister, Deputy Donnelly, in terms of the work he is doing.

Senator Sharon Keogan: Tell me what I said that was wrong.

Senator Garret Ahearn: Absolutely everything the Senator said was wrong. She criticised his performance even though hospital numbers have dropped from more than 2,000 in January to 331 today. It is a disgrace that the Senator can be critical of the Minister when the figures have dropped by that much due to the decisions he made and on the back of the work and commitment of the people. I agree with everything Senator Chambers said.

On the vaccination centres, there is one open in Clonmel and I commend the work done there by all the nurses and people involved. It was set up in Clonmel Park Hotel, there are vaccinations going on at the moment and it is doing wonderful work. There is another centre in Nenagh. We are quite lucky in having two in Tipperary but it is a large, long county and they are doing extremely good work. The over-70s are being vaccinated by general practitioners, GPs, but, after that cohort, can the Minister outline exactly who will be vaccinated in vaccination centres and who by GPs?

The GPs have done fantastic work. In my home town of Cahir they vaccinated 400 or 500 on St. Patrick's Day. They are now vaccinating those aged 70 to 75 and have really ramped it up in the last number of weeks. It is a credit to the work they are doing there. My father received his first vaccination and it is a celebration when anyone gets it. It is really welcome. Any of the rubbish the Minister has listened to is not the way it is on the ground.

On the Beacon issue, it is disappointing but the Minister has acted swiftly which is really important. Are there any other cases the Minister is aware of that have happened since, as they are just not acceptable?

Senator Seán Kyne: I did not hear the earlier comments as I was, and still am, on a Zoom call. I take this opportunity to congratulate the Minister on the progress made on vaccinations thus far. As of yesterday evening, 548,948 individuals have received their first dose and 211,223 have received their second dose. There are very important projections on the number of vaccines that will be available for distribution in the month of April, which are up to 250,000 a week. It is very important that we meet those targets and continue to do so in May and June.

There have been issues, some of which I have raised with the Minister, Paul Reid and others at the Joint Committee on Health. I acknowledge that they have been largely sorted. This includes the issue of the over-70s in hospital who were not getting their vaccinations but they are now, after some cajoling. I am thankful the Minister got that sorted. A number of other matters, including GPs not getting their first supply initially, have been rectified as well.

I agree with the Minister's action on the Beacon. Those involved in the Beacon decision were absolutely tone deaf to where we are at present. That is all I will say on it. When we, as public representatives, are advocating on behalf of people such as gardaí, special needs assistants, SNAs, teachers and others in society, it is so wrong that there was queue skipping of that order.

I have spoken before about the situation on the islands. The over 70s have largely received their first, and in some cases their second, dose. There are some queries about whether all of the other residents will be vaccinated on the islands. Will the supplies be transported to the islands or will all other residents have to come in from the islands to get their vaccination? I argue that the former should take place and similar to what happened with the over 70s, all others on the island should get their vaccination on the island itself.

The next phase is the mass vaccination across the country. We need to ensure this will work smoothly. We need to have a pipeline of individuals. We need to ensure that if there are extra vaccines available of an evening that there can be an orderly queue of people who can receive it at short notice. I thank the Minister and commend him on the progress made to date.

Senator Rónán Mullen: As of last Thursday, 25 March, just over 211,000 people, about 4% of the population, have been fully vaccinated. Most of these are older people over the age of 80 years, and front-line health workers. I want to discuss what this means for ordinary people who have been fully vaccinated but first I want to address events which occurred yesterday near Our Lady of Lourdes church in Mullahoran, County Cavan. It appears the local parish priest has been levied with a €500 fine by the gardaí for saying mass. Yesterday, *The Irish Times* reported that gardaí established checkpoints nearby, effectively, to challenge locals about approaching the church. I have no problem with gardaí asking people where they are going as long it is clear as to what is lawful, what is unlawful and what is just a matter of public health guidelines. Challenging people and levying fines in circumstances where there is doubt about what the law provides for, takes one into the area of harassment. It reminds me of what used to happen behind the Iron Curtain before 1989-1990. It is extremely important that our gardaí do not go one iota further than what the law provides for. I raise this issue because it happened at the end of a week during which the Government has refused to say whether or not it is an offence to say mass, to cause a mass to be organised, to organise mass or, indeed, to attend one. I raised this issue in the House on Friday. I and others have struggled to get the Government to be clear about what is against the law and, although important, what is just a matter of public health guidelines.

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The Minister knows that people, such as Professor Oran Doyle, have been very critical about what the professor has called “a masterpiece of misdirection” where the State has been appearing to let on that certain things are against the law when they may not be. I also note *The Irish Catholic* reported yesterday that in the course of its defence of proceedings in the High Court, the Government had stated that it is, in fact, an offence to celebrate mass. The Minister, Deputy Donnelly, told the Dáil last October that “religious services are non-penal in that there is no penalty attached to them” and yet we have a priest being slapped with a €500 fine.

There is no hostility here. This is Holy Week and Easter, which is a very important time for many people. People understand and they want to be part of the national effort. They do not want to be patronised. They want to be levelled with. I want the Minister to say which version of events is correct. Is it the one he gave in the Dáil saying it was not a penal offence or the apparent position being now taken by the State? We are talking about two regulations here. Regulation 4 makes it a criminal offence to leave one’s place of residence without a reasonable excuse. There is a non-exhaustive list given there. Regulation 8 prohibits and makes it a criminal offence for a person to organise a relevant event. I am happy to give way to the Minister now because I would like him to answer and to bring the necessary clarity to that. I would be very grateful if he would. Has the Minister any interest in answering this? I am happy to give way to him, if he wants to answer that question now.

Acting Chairperson (Senator Róisín Garvey): No. Let everyone else come in.

Senator Rónán Mullen: I am just making the offer.

Acting Chairperson (Senator Róisín Garvey): We would all like to do that.

Senator Rónán Mullen: We are allowed to do it under the Standing Orders.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): He will answer it at the end.

Senator Rónán Mullen: It frequently happens that Members give way here. I have made the offer. He is not forced to take it up but I just want to make the offer.

(Interruptions).

Senator Rónán Mullen: What would be so wrong with that? Is this not about getting clarity?

Senator Sharon Keogan: It is censorship.

Senator Rónán Mullen: I am not going to call it censorship. I will speak for myself on this issue. It would be setting a good precedent to give way in this House to allow issues to be clarified. I have great respect for the Minister and the job he is trying to do but there is a-----

Senator Jerry Buttimer: I thought the Senator was not going to be adversarial.

Acting Chairperson (Senator Róisín Garvey): We are not going to-----

Senator Rónán Mullen: This is not a breach of Standing Orders.

(Interruptions).

Senator Rónán Mullen: I have given way to Senator Buttimer in recent weeks and he was damn glad to avail of the privilege.

I commend the Leader, Senator Regina Doherty, and the former Minister for Justice and Equality, Deputy Charles Flanagan, on comments they made yesterday on this matter.

On the roll-out, Professor Liam Fanning of UCC has suggested that fully vaccinated people should be allowed to meet in pods. I wonder whether the Minister has a view on that.

There appears to be a difference between how GPs and dentists are treated in terms of how they are to be paid for administering vaccines. GPs, it appears, are being paid €35 per dose administered. Dentists are being recruited to work in mass vaccination centres but are being offered €27 an hour. That disparity may eventually cause a widespread refusal among dentists to volunteer. It seems a strange situation. My dentist mentioned this to me in recent days and said there is anger about it. I would be grateful for a response on that.

Acting Chairperson (Senator Róisín Garvey): Senator Mullen went over time and used his time to try to change the entire system of the House. He cannot do that in the middle of a five-minute speech.

Senator Rónán Mullen: On a point order, I have been in this House for longer than the Acting Chairperson. I am not going to say she has a better knowledge of-----

Acting Chairperson (Senator Róisín Garvey): The Minister is here to talk about the vaccine roll-out, not about Senator Mullen's ideas and thoughts on changing the whole system in the Seanad.

Senator Rónán Mullen: On a point of order, I do not think you know-----

Acting Chairperson (Senator Róisín Garvey): Excuse me, Senator, you must speak through the Chair. Please take your seat.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): The Senator will not waste our time discussing changing the system. He should sit down.

Senator Rónán Mullen: Do not abuse your position.

Acting Chairperson (Senator Róisín Garvey): Respect the Chair and the system used in the Seanad. Please sit down and respect the rules of the Seanad.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): We will not waste the Minister's time on this.

Senator Rónán Mullen: Senator Garvey is not in government when she is in the Chair. Please remember that.

Senator Sharon Keogan: On a point of order, I have been referred to by two Senators this afternoon.

Acting Chairperson (Senator Róisín Garvey): That is not a point of order.

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Senator Sharon Keogan: Two Senators referred to me.

Acting Chairperson (Senator Róisín Garvey): Excuse me, we have an emergency to deal with here. We have the Minister in the House.

Senator Sharon Keogan: I am glad the Government is actually cognisant that we have an emergency.

Acting Chairperson (Senator Róisín Garvey): If Senator Keogan plays with fire, she will get burned. This is a waste of time.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): Senator Keogan, you should respect the Seanad and my position as Chair. Do not be so disrespectful in the House. We would all love to demand one-on-one conversations with the Minister. We are moving to Senator Gallagher. We will hear from the Minister at the end of the discussion.

Senator Robbie Gallagher: Cuirim fáilte roimh an Aire go dtí an Teach fosta. The Minister is welcome to the House. I thank him for taking time out of his busy schedule to discuss this very important issue in the Seanad.

I sincerely thank the vast majority of citizens of this country who have been doing all they possibly can. Many of them have made great sacrifices in their efforts to contain this deadly virus. Many have lost loved ones in difficult and trying circumstances.

I also pay tribute to the front-line workers and all those who have worked throughout the pandemic for the benefit of us all. As I am sure the Minister is well aware, people are tired and weary, and the vaccine roll-out is the one thing that keeps them going. Everyone needs hope and the vaccine is our hope.

In County Monaghan, many GPs have consistently given up much of their free time to roll out the vaccine, which I witnessed at the weekend. It was amazing to see the smiles on people's faces after they had been vaccinated. Many of them were elderly and they looked as if they had been given a new lease of life, which is welcome.

I welcome the information the Minister delivered here this afternoon. He said that we will receive 1 million vaccines in the months of April, May and June, with the old caveat of subject to supply. I appreciate the news that, subject to supply, four in every five adults will have received at least one vaccine dose by the end of June. That is hugely positive information and I sincerely hope that we can live up to those expectations.

I compliment the HSE and the people who have rolled out the vaccine for ensuring that it takes less than seven days for the vaccine to go from its arrival into this country to being administered in somebody's arm. With that news any reasonable individual would cut some slack because the infrastructure has been built from scratch in the middle of a pandemic. Everyone tries to do their best but we must accept that mistakes will always happen. However, we do not have to accept the example at the weekend of what happened at the Beacon Hospital. The person or persons responsible for the incident stuck their two fingers up to the rest of us, to the people who have lost their lives, and to the people with underlying conditions who have not left their homes in 13 months. The people responsible do not care and seem to have adopted a mentality of I am all right Jack, which is very disappointing.

I ask the Minister to comment on a number of things, if possible. Is he happy that we have the necessary infrastructure in place to distribute the 1 million vaccines over the next three months? I spoke to some people who received their vaccine at the weekend and they asked me what can they do after they receive the second dose in the next number of weeks and how will their lives change. Those people need to know what they can do that they are not fit to do at the moment. It is important they receive direction.

I have been contacted by a number of people with queries about an online portal. I ask the Minister to indicate where we are at with an online portal. I think people in the UK have been able to avail of an online portal. I spoke to relations of mine who have lived in the UK for a number of years and they told me that the portal has been hugely successful, so I look forward to an online portal being used here.

I have been contacted by a number of young people abroad. Many of them are school teachers in places like Abu Dhabi and other places of the Middle East and elsewhere. Most of them have received their second vaccination and hope to come home in the summer. Will they have to quarantine or will the fact that they have been fully vaccinated eliminate the need to quarantine?

Finally, as Senator Chambers outlined in her contribution, the role of the Minister for Health is a huge task at the best of times and his has been multiplied by a hundred with the pandemic. I compliment him on his efforts and urge him to keep up his good work.

Acting Chairperson (Senator Róisín Garvey): Senators Burke and Buttimer will share time. They have two and a half minutes each, and I will give a 30-second warning.

Senator Paddy Burke: I welcome the Minister to the House and wish him well with his portfolio. I sympathise with him on having the most difficult job in this country at this point in time, with everybody watching what he is doing.

It will be very difficult, in the two minutes I have, to say a great deal on this matter. I will not go back over the issues raised by the many other Senators but I welcome the return of visits to nursing homes. That is very welcome. Allowing it again is a great initiative, vaccination having been carried out in most nursing homes.

There are many large pharmaceutical companies in the country. Have any plans been made that would allow these companies, which may have spare capacity because there has been no flu this year, to produce vaccines? I have no doubt that there will be a need for booster vaccines in the coming years. What is our plan in that regard? An audit should be carried out in respect of the production of vaccines in this country. This may involve the Minister's Department and the Departments of Finance and of Enterprise, Trade and Employment and would aim to determine how to bring about a situation in which we could produce our own vaccines.

I am aware that there is a proposal before Government in respect of the production of vaccines in Ireland. This would create jobs and would come at no cost to the taxpayer. The Taoiseach is aware of the proposal. Some very high-powered people, at the very highest level in the world, are involved. I hope that the Minister will pursue this as it would allow vaccines to be produced in this country for next year and would give us the safeguard of having our own vaccines here. I would welcome it if the Minister could see what he can do in that regard.

Senator Jerry Buttimer: I thank Senator Burke for sharing time. I welcome the Minis-

ter and wish him well. The vaccination programme is the single most important public health campaign in a century and we must have confidence in it. I commend the Minister for the work he is doing. I ask him to expedite work with regard to the role of our pharmacists in the vaccination programme. Our pharmacists play a key role. Under SI 60/2021, the remuneration of pharmacists involved in the vaccination programme has been set. I ask that this be adhered to and followed up on. The vaccination programme is the gateway out of Covid-19 and will allow us to celebrate mass and remember the passion of Our Lord during Holy Week rather than engaging in rhetoric in this House. We all support what the Minister is doing. It is important the public health response keeps all of our citizens safe. That is what aim to do - to keep all of our citizens safe.

How many pharmacists are involved in the vaccination programme? I do not expect the Minister to have the answer with him but I ask him to come back to me on it. We need more pharmacists employed in the mass vaccination centres. The programme is a critical platform through which to give people a new sense of hope as we stand on the cusp of a decision by Government, in conjunction with NPHET. I ask that the contract signed with the pharmacists be in keeping with the statutory instrument.

We should also communicate more clearly with people. As the Minister knows quite well, there is great frustration because of the lack of supply. We should look at and work with the points made by Senator Burke regarding the pharmaceutical industry here. The Minister should level with people, communicate with them and give them a sense of hope. A generation of people over 80 and between 75 and 80 have got their first and second jabs and they are looking forward to the summer with optimism.

The Minister has a difficult job. I chaired the Joint Committee on Health and Children for five years so I know the pressures he is under. He should be assured that we will work with him and walk with him. Ní neart go cur le chéile. It is together we can win, not through the gamesmanship we are seeing today.

Senator Fiona O'Loughlin: I thank Senator Garvey for chairing this debate. I regret that she has been subjected to rudeness by some Senators. Easter is a time of renewal, new life and hope, so it is appropriate that we use our final sitting day before Easter to talk about our line of hope, the vaccination programme. The Minister is, as always, very welcome to the House. I take this opportunity to commend him and his office and Department on all the work being done in the name of eradicating Covid and allowing us to live our lives in a new normal. It is completely wrong that the Minister, or any Minister of any party, would be subjected to threats to him and his family. It is appalling and we stand with him as Minister. It should not happen to anybody.

The vaccination programme is heading to a new phase and today is a red letter day in my house. The O'Loughlins in Cappanargid are very happy because this morning my mother received her second vaccination dose and my brother Cathal, who has Down's syndrome, received his first dose. We feel they will be in a position to go gallivanting, if there is a place in which to go gallivanting, in a month, six weeks or whatever. It gives us as a family great hope. Having spoken to other families and friends, when they are in that position where they can see neighbours and relatives, I know it gives everybody a great lift. We have to remind ourselves all the time that the vaccination programme is being rolled out. I accept that we are the behest of the vagaries of the vaccine production in regard to what we get. It is notable that we are above average in the EU in terms of the roll-out. While I acknowledge that the Minister probably can-

not comment on this matter, the EU has let itself down in the procurement of vaccines. It was well behind the curve in putting in its orders and we are all suffering because of that.

Those in nursing homes have had the opportunity to have two visits a week since their second doses came to fruition, which is very important. It is a sign of hope and it means so much to older people and their families.

I have to comment, as others have done, on what happened at Beacon Hospital, where 20 vaccine doses were given to teachers from a private school. It was completely inappropriate and tone deaf to where the rest of us are. I am glad the message went out loud and clear from the Minister and Paul Reid, as CEO of the HSE, that this was completely unacceptable. It meant the clear protocols were not followed and 20 vulnerable people did not get their vaccines when they should have. No private school should have received vaccines from a private hospital because that would mean taking them away from the vulnerable.

To return to where we are in regard to living with Covid, the virus situation remains very fragile. The numbers are still high, unfortunately, and my county is one with increasing numbers. Having gone through an additional lockdown in Kildare, that is something we did not want to see. We have to take that into consideration in respect of any easing of restrictions, which will have to be cautious and limited, but there is room for some change. Allowing some outdoor meet-ups, sport for children and sports such as golf and tennis would be appropriate. The reopening of schools is very important and the fact they will all be back on 12 April is something we have to aspire to.

A total of €2.5 million in fines has been collected from those who have breached the Covid restrictions. I ask that this €2.5 million be put into a specific fund for positive mental health for young people. They are a group who really need extra help and support.

Acting Chairperson (Senator Róisín Garvey): Thanks to the time we have wasted arguing over nothing, the remaining speakers will have 20 seconds each. I must call the Minister in a minute or two. I apologise for that but there is nothing I can do about it. We lost time due to people-----

Senator Rónán Mullen: On a point of order-----

Acting Chairperson (Senator Róisín Garvey): I am sorry, the Senator is not going to waste any more time now. I call Senator Dolan who has 20 seconds.

Senator Rónán Mullen: There is nothing in Standing Orders to prevent-----

(interruptions).

Acting Chairperson (Senator Róisín Garvey): I am sorry Senator Mullen.

Senator Rónán Mullen: It is you who wasted time-----

Senator Aisling Dolan: I thank the Minister for the short time I will get today. I will make three points, however. First, I welcome that the notice GPs are given about the vaccines they receive has gone from one day to two days. I know from speaking to a local GP that the number was down by 120 this week. I ask for confirmation on that. We know a big surge is coming in the last two days of March. Is it the case that they will not see this drop next week and the week after in terms of vaccine doses?

Second, pharmacies, particularly smaller pharmacies in regional towns with only one pharmacist, very much want to and will be very efficient and effective at rolling this out. Can we look any other administrative or logistical supports for pharmacies in terms of small pharmacists?

Senator John Cummins: I will make one very brief point and ask a question regarding long-term illnesses such as chronic obstructive pulmonary disease, COPD, diabetes and cystic fibrosis. I understand some of those cohorts have been split in two, which has resulted in some confusion.

A person from counties Kilkenny or Wexford might attend a consultant in counties Kildare or Dublin. Where will a person who falls into this cohort be vaccinated? Is that patient administered in his or her own county or will he or she be contacted by his or her consultant? Is it more difficult if somebody has multiple illnesses and multiple consultants are involved? I would like some clarity on that. If the Minister cannot give it here, I would appreciate if he could let us know separately.

Acting Chairperson (Senator Róisín Garvey): I thank the Minister very much for coming into the Chamber. We look forward to hearing all the answers to those challenges he faces. I apologise for the delay and the disrespect shown into the Seanad Chamber today.

Senator Rónán Mullen: The poor Chair.

Senator Lorraine Clifford-Lee: Excuse me. I am sorry but I have never seen-----

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): I am going to ignore that comment. I will let the Minister speak. What he has to say about the vaccinations is much more important than the Senator's particular cause or issue.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): Have a bit of respect for the House and for the Minister. We are facing a pandemic. That is much more important than the Senator's issue.

Senator Rónán Mullen: We take our role very seriously-----

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): Will the Minister stand up, please? I am sorry; I really apologise for that.

Minister for Health (Deputy Stephen Donnelly): It is no problem at all. I thank the Acting Chairperson for her chairing of today's session. I thank all colleagues for the debate we had today. I try to come to the Seanad as much as possible.

Senator Sharon Keogan: We appreciate that.

Deputy Stephen Donnelly: The quality of the debate, challenge, questions and ideas are always very high. I thank colleagues for their very thoughtful contributions because the reality is there is no monopoly on wisdom when it comes to dealing with this pandemic. Nobody has all the answers, including this Government, me, Ireland or any country around the world. The

reality is that this is completely unprecedented and is at a scale and pace that Ireland and many other countries have never seen before. The Government, the Oireachtas and parliaments all over the world are doing their best and are getting some things right. Governments around the world, including ours, are getting some things wrong and missing others. There is no question about that. The more debates and ideas we can have across the political spectrum and in both Houses, therefore, the better.

It has been the most difficult of years for many people. We heard again today about people who cannot attend mass. It is the cornerstone of spirituality in many people's lives and they have not been able to go. People cannot see their friends. The other day I spoke to someone I have known for many years and who would be very susceptible to this disease if he got it. He said he has not been able to hug his children in a year. I do not know about anyone in the Chamber, but I have not hugged my mum nor seen my granny in a year.

It will take many years to understand the cost of this pandemic. It has been awful. The vaccine programme is so important because it is going bring an end to this. Six or seven months ago, I spoke to eminent scientists who have been involved in many vaccine programmes over the years and who stated that we might or might not get a vaccine for this disease. They said we might get one in two to five years. They referenced other diseases we deal with all the time, such as the common cold and HIV, for which there is no cure yet. I hear the frustration loudly, as do we all, but the fact that we are standing here today talking about four authorised vaccines - three are currently being used and a fourth one is on its way - with levels of effectiveness beyond anybody's wildest dreams is something profoundly good and hopeful.

Senator Martin Conway: Hear, hear.

Deputy Stephen Donnelly: Every one of us would have taken somebody's arm off to be where we are now six or nine months ago. I hear the frustration and I have the same frustration - we all do. Our vaccinators, doctors, nurses, medical students, the National Ambulance Service and everyone who is involved in this share the same frustration. So many people are doing such an important job. They all feel it. We all feel it. We want the vaccines and we want them now because they will stop the torture that has been the past year for so many people due to the isolation, the loneliness, the pain and the anxiety. I fully understand why people are pushing so hard to get the vaccines as quickly as possible.

I assure the House that we have opted in to all our *pro rata* top-ups with the EU. I wish the EU process had been quicker, as do we all. It is right and proper that we focus on countries that are going quicker than us. The main one, because it is so close to us and we have the two jurisdictions on own island, is the UK. Britain and Northern Ireland are going quicker and we would all love it if we were where they are. However, we spend less time thinking about the fact that we are still in the top handful of countries on earth for vaccinations. A very important debate continues around global justice. If the vaccines arrive as they are contracted to do, four in every five adults in Ireland will have been offered at least once vaccine dose by the end of June. It is nearly April. That is where matters stand. Can Senators imagine the countries around the world that are looking at us and are quite confused when they hear us attacking each other and about the negativity around our vaccine programme? Some countries are wondering what year they are going to get vaccines. I am not trying to dismiss this issue. I do not diminish the criticism, the frustration and the push for us to do more and quicker and better. I get that and fully accept all of it. While I believe the teams that running the vaccine programme are doing an outstanding job, of course things have not worked perfectly.

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In the limited time I have left, I will try to address some of the questions raised. If the Acting Chairperson wants me to stay a little longer I will be happy to do so.

Acting Chairperson (Senator Róisín Garvey): I thank the Minister for that.

Deputy Stephen Donnelly: Let us talk about the Beacon Hospital for a moment. What happened there was completely unacceptable. There is no excuse whatsoever for what happened. It was clearly against the agreed protocols and the entire ethos of our vaccination programme, which is to vaccinate the most vulnerable first. We do that because we want to minimise the damage this virus can do to our country. By vaccinating the most vulnerable first, as well as our healthcare workers who take care of those who get sick, we minimise the risk, maximise the benefit of the vaccination programme and speed up our ability to open back up again. Some may say that what happened at the Beacon only involved 20 doses in a pool of 800,000 that have been administered. I do not accept that. It is not about the 20 doses, it is about the signal it sent out.

Senator Martin Conway: Is the Minister aware of any other similar cases that we could be reading about in the papers in the next few days? We would be better off having all the information if that is the case.

3 o'clock

Acting Chairperson (Senator Róisín Garvey): I ask the Senator to allow the Minister to continue without interruption.

Deputy Stephen Donnelly: What happened is unacceptable. It sent out the wrong signal. For everybody, this stank of privilege. That is what it looked like to everybody. It should not have happened. I have suspended vaccine operations at the Beacon Hospital. I done so following consultation with the HSE. Some people asked why it did not happen immediately. I wanted to make sure there was capacity to put in place alternative vaccination arrangements at very short notice. We did not want a situation whereby we acted instantly and later found that what we were doing was denying good, innocent people the opportunity to be vaccinated. I worked closely with the HSE to ensure alternative arrangements could be put in place very quickly and then we suspended operations at the Beacon Hospital. A letter is also being sent to the board asking for a full account, including, as raised by Senator Conway, whether other vaccines in the care of the Beacon Hospital have gone outside of prioritisation. These vaccines do not belong to the Beacon Hospital or to any hospital; they belong to the Irish people. We are taking what happened there very seriously.

Senator Clifford-Lee spoke well and appropriately about what young people have been through. For the many people who attend college for three years, they are some of the best years of their lives. I studied engineering and a certain amount of it was very boring but college years are good years. Many students will have lost two years of college time or, perhaps, two years in fifth and sixth year class and their time as young people. They have been severely curtailed and that has been incredibly difficult for them. I agree that they need to be acknowledged for the sacrifices they have made.

As referenced earlier by a colleague, because of the level 5 measures and people getting behind them, Ireland has moved from having one of the highest rates anywhere in Europe in the very recent past to having one of the lowest rates. That progress has been hard won by every household in this country.

Is the Chairperson happy for me to continue a little longer?

Acting Chairperson (Senator Róisín Garvey): The Minister must conclude in two minutes as there is a sos scheduled to allow for sanitisation of the Chamber before the next business commences.

Deputy Stephen Donnelly: The question now, and what the Cabinet committee on Covid-19 will discuss later today, is how we protect the hard-earned progress and having one of the lowest rates. We are surrounded by countries that are seeing a huge surge in cases because they now are experiencing the B117 variant, as we did in December, and they are struggling. From a health perspective, for me, the Department of Health, the HSE and my colleagues in government, the focus is on three particular areas, the first of which is targeted suppression of the virus. We have the full population measures but, as members will have seen, we have brought in walk-in PCR testing. We are deploying rapid testing. We will engage with employers, unions and others on how to stop unnecessary commutes to work. We will engage with the third level sector regarding various activities that we are know are driving what is going on. Second, we are further increasing the biosecurity against variants at our borders. There are many very serious measures in place, including preflight PCR testing, a ban on non-essential foreign travel and mandatory home quarantine. As colleagues will be aware, we have introduced mandatory hotel quarantine as well. Ireland is moving first in the EU in bringing in measures this comprehensive. We now have, by a country mile, the most comprehensive biosecurity measures on our borders against Covid variants in the EU. Critically, the UK and Ireland are lined up, with both countries having some of the lowest rates of Covid cases anywhere in Europe and that is very valuable. It goes a long way towards dealing with the reality that Northern Ireland has an open border east-west and North-South as well.

Many questions have been asked, but I regret I will not have time to answer them all today. I apologise for that. On the questions regarding cohort 4, I have asked the HSE to do everything it can to speed up contact with those in the cohort. It is a complex group with many very specific conditions identified by NIAC. As was said earlier, some have comorbidities, several underlying conditions. The answer is that some will be vaccinated by their GPs and some will be vaccinated by the hospital that is taking the lead in their care now. It is a complex group. We all want the group to be communicated with as quickly as possible and I have asked the HSE to redouble its efforts to get out to this group as quickly as it possibly can.

Several colleagues have asked if we are ready for April. In April, May and June we envisage having an average of 1 million vaccines a month. It might be a bit more or it might be a bit less. We need to ensure we are ready to get those vaccines into people's arms. I can confirm that we are ready. I have received repeated assurances from the HSE that the GP clinics and the vaccination centres are available. We have the capacity when these supplies arrive. Someone asked earlier if we are expecting large supplies in the next few days and we are. The plan is then to move very quickly to get those vaccines into people's arms.

Will I finish up there?

Acting Chairperson (Senator Róisín Garvey): One minute. I will be killed, but anyway-----

Senator Rónán Mullen: I offered some of my own time, so I will be-----

Deputy Stephen Donnelly: Yes, the Senator did. I would prefer to get the Senator a writ-

ten response because he asked a very reasonable and very important question about what is legal and what is advisory. I want to ensure he gets a precise answer to that question. I will ensure that the Department reverts to him with exactly that. I acknowledge that for many people not being able to attend Mass in person - obviously, they can still do it online - is very tough for them. The only reason such restrictions are in place is to keep people alive; that is it.

Over the next 24 hours there will be considerable focus on what the Cabinet decides tomorrow. I have my views on what needs to be done. Regardless of that, enormous progress has been made. We now have one of the lowest rates in Europe. Many lives are being saved by the progress and the sacrifices to date. We need to protect that. This new variant is incredibly contagious. As we can all now see, any little changes to what we do, any relaxations, increase it. We are now in level 5 and we are seeing cases increase; that is how contagious this is.

What can be done will be done. Ultimately in a relatively small period of time, the vaccine programme will start bending that curve of the number of cases downwards again. Then, as a nation, as an Oireachtas, as a people and as a community we will be able to have the conversation that we have all wanted to have for the past year, which is how we begin to reopen, see each other, spend time with each other, hug each other, go to work, go to college, go to school and all those things.

Acting Chairperson (Senator Róisín Garvey): I thank the Minister for his time. Before I ask the acting Leader of the House to suspend the sitting, I wish to say it is important that we recognise that all people in the House are humans and deserve respect. It is good to be reminded that the Minister is also a human who deserves respect. My heart went out to him when I heard that his house had been targeted. There is no “us” and “them” here; we are all in this together and we are all humans who deserve respect.

When I am in the Chair, I would really appreciate if Senator Mullen did not shout at me. Today we agreed that we were having statements. There was no provision for questions and answers. The Senator still got the answer to his question.

Senator Rónán Mullen: You spoke-----

Senator Fiona O'Loughlin: That is not-----

Acting Chairperson (Senator Róisín Garvey): I would like Senator Mullen to respect me while I am in the Chair.

Senator Rónán Mullen: I respect you.

(Interruptions).

Acting Chairperson (Senator Róisín Garvey): May I finish my sentence? The Senator has been in this system much longer than I have. He knows we are having statements. Nowhere here does it say we can have a one-on-one with the Minister during the statements. I am just doing my job as I am instructed to do by the people who know way better than Senator Mullen how to run this House. We should bear that in mind.

Senator Rónán Mullen: May I reply?

Acting Chairperson (Senator Róisín Garvey): I thank the Minister for his time, and I am really sorry about today.

Senator Rónán Mullen: There is nothing in Standing Orders-----

Sitting suspended at 3.10 p.m. until 3.20 p.m.

Living with Covid-19: Statements

Minister of State at the Department of Health (Deputy Anne Rabbitte): I want to start by acknowledging the extraordinary efforts that have been made and are continuing to be made by people the length and breadth of the country during this extremely challenging time. I appreciate that so many aspects of normal life have been altered since the emergence of Covid-19 over one year ago.

As Minister of State with responsibility for disability, I have seen how these challenges have taken a huge toll on our people, especially on the most vulnerable members of society. However, I have also seen the extraordinary efforts that are continuing to tackle this unprecedented global pandemic. I wish to sincerely express my deepest sympathies to the families and loved ones of those who have died. To lose a loved one is always painful but for it to happen in the midst of a pandemic, when one cannot even hug one's family and friends and when so few can attend a funeral service, compounds the loss. I wish to offer my most sincere condolences to all those families. My heart truly goes out to them at this time.

This year, we have faced the resurgence of the disease that has been driven by a much more contagious variant. The epidemiological situation in Ireland remains fragile. The 14-day incidence rate yesterday increased by 7%, up to 159 from 148 per 100,000 of the population. The positivity rate continues to rise. There are 329 Covid patients in our acute hospitals, with 76 of them in ICUs. Despite the challenges, compliance with the public health guidelines remains high. Public support for the measures to combat this pandemic remains extremely strong.

As the Minister outlined in the previous debate, the roll-out of our vaccine programme continues to give great hope. The positive impact of the vaccine programme is already being experienced, including with the increase in the number of visits now permitted to residential care facilities. As of Friday last, 786,000 Covid vaccines had been administered. We have provided a first vaccine dose to more than 11% of the population, with 567,000 people having received their first dose and 219,000 their second.

Prior to Monday next, 5 April, the Government will be reviewing current level 5 measures and considering the next phase of the response to Covid tomorrow. The revised plan for managing the virus, Covid-19 Resilience & Recovery 2021: The Path Ahead, which was published last month, reviews the lessons from our experience to date, considers the enormous impacts our efforts to manage and suppress the disease have had on our economy and society and sets out a cautious and measured approach to the easing of restrictions over the coming months. The plan also sets out how in-school education and childcare services are being reinstated in a phased manner, with a staggered return over the past month which will be concluded after the Easter break on 12 April. This cautious and measured approach is being taken in order to protect the most vulnerable, while the effective roll-out of the vaccine programme will allow us to lay the foundations for the full recovery of social life, public services and the economy. We need to remain vigilant and agile regarding the uncertainties in the face of the new variants and to capitalise on emerging evidence on available vaccines.

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The Government's public health response is comprehensive and is continually being strengthened. Testing and contact tracing remain key components of the response to the pandemic. In recent weeks, the testing and tracing system responded to a significant increase in demand. I welcome the recent opening of the five new walk-in, no-appointment-necessary testing centres that have been established to actively look for cases of Covid-19. Testing has also restarted in schools and is ongoing in special education and childcare facilities. As schools continue to reopen, the level of testing will increase.

Mandatory hotel quarantine is a new element in our defence. It will play an important role in combating Covid-19, particularly in the context of the dangers posed by variants of concern. The Health (Amendment) Act 2021 was recently enacted and provides for this new measure at designated facilities. All passengers arriving into Ireland who in the previous 14 days travelled from or through a designated state will be required to pre-book accommodation in a designated quarantine facility, and to prepay for their stay. The Act also provides that any travellers arriving without a not-detected polymerase chain reaction, PCR, test result in the previous 72 hours, as currently required, must enter quarantine until a not-detected test result is returned. In tandem with this, the Government is also introducing measures to enhance North-South cooperation on international travel. These are just some of the recent developments in strengthening public health measures to respond to the pandemic.

In the context of disability services, I wish to stress how grateful we all are to the staff working on the front line who are continuing to deliver services for people with disabilities and their families, day in and day out. There have been a total of 317 outbreaks of two or more cases in disability services since the onset of the pandemic, 149 of which have occurred this year. This has been a significant challenge for service users and staff, and services have done their utmost to keep people safe. One of the questions I am asked most frequently is on the roll-out of the vaccination programme for people with disabilities. From the very beginning, the programme has been built on fairness, and the focus has been on ensuring those who face the greatest risk of severe disease and death are prioritised for vaccines. It is important to state it is not just persons with disabilities who have raised these questions; they have also been raised by their carers.

Last month, the vaccine allocation strategy was revised to take into account the latest clinical and medical advice based on national and international evidence. Those with a medical condition that puts them at very high risk of severe disease and death are now being vaccinated in group 4. I am delighted that the HSE has recently begun vaccinating this vulnerable group. The update provided people with disabilities further reassurance on where they align in the vaccine allocation strategy.

It is good to see that over 1,200 people living in disability residential care who are aged 65 or over have been fully vaccinated. An additional 2,500 people in disability services were vaccinated in the week up to 13 March. It is important to note that the disability service staff, who are front-line healthcare workers, are scheduled for vaccination as part of the prioritised health worker cohort. The vaccinations have been ongoing over recent weeks.

At this critical moment, the focus in Ireland must remain on regaining and maintaining control over the disease, preventing a further wave of infection later in the year and protecting our most vulnerable until vaccination can offer widespread protection at population level. I look forward to Senators' contributions.

Acting Chairperson (Senator Mary Seery Kearney): I thank the Minister of State. I got

a text today from someone in the group the Minister of State mentioned. A very good friend's son was vaccinated today. The sense of relief for everyone is fantastic.

Senator Malcolm Byrne: We very much appreciate that the Minister of State, along with the other Ministers of State, Deputies Butler and Feighan, and the Minister, Deputy Donnelly, come to this House regularly. She is willing to listen to the views of all Members of this House. I join her in commending the front-line workers. This vaccination programme is the biggest ever in the history of the State. We sometimes forget that, nine months ago, we did not even believe we would have vaccines. While it has to be acknowledged that there are problems, we have got to a position where there is a vaccine. Unfortunately, the Minister of State is following the Minister, who in the previous set of statements pre-empted many of the questions I wanted to ask.

I found it disappointing during the last debate that Senator Keoghan once again decided to launch attacks on the Minister. The Senator has had more positions on Covid than Deputy Paul Murphy has had political parties. It is pretty clear from her raising doubts about the Pfizer vaccine in November to her complaining now about not getting jabs into people's arms quickly enough that, in terms of policy direction, she sort of adopts the *Ever Given* approach, but it is rather clear that she is now foundered.

I would like to ask about a number of issues and specific problems that arise concerning how we are living with Covid. I want to talk about the unfair competition that still exists between supermarkets and some of the independent retailers. It remains a problem. I commend the supermarkets. They, particularly their retail staff, are doing a very difficult job at these times. On Mother's Day recently, I could walk into a supermarket and buy flowers. With Easter coming up, I cannot go into the local florist to buy flowers in the same way. The same applies to children's clothes in that the supermarkets are allowed to sell children's clothes off the shelf but the independent children's clothes retailers are not. I acknowledge we have had the discussion on click-and-collect purchasing but where there are examples of an unfair competitive advantage given to the supermarkets, the issue needs to be addressed.

The Minister of State referred to those in cohort 4. There is still a problem associated with some of those with serious illnesses. I am aware of the case of a student with muscular dystrophy who is afraid to go back into school until she gets the vaccine. I heard the Minister, Deputy Donnelly, say it is really urgent that the people in this cohort get vaccinated as quickly as possible to provide them with security. The Acting Chairperson referred to the sense of relief when these people and their families know that vaccines are available.

I wish to raise with the Minister of State the question of family carers, in which respect she has been a strong advocate. It is essential that family carers be designated as key workers. My colleague, Senator Dooley, tabled a Commencement matter on this issue. We need to know who will be designated as key workers in the next cohort. I would include the likes of gardaí as well, but being included is important to family carers. They are not looking to jump ahead of the elderly or vulnerable, but they want to know whether they will be categorised as being within that cohort.

The debate will move quickly once a large number of people have been vaccinated and a question about vaccine certificates will arise. We need clarity, and not just about travel, although clarity will be important for the aviation industry, tourism and so on. We also need clarity regarding live events. I would love there to be live outdoor theatre or music events. We

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could learn some lessons from Israel. If we are to come back together as a community, this is important. Giving some indication to the hospitality sector would be useful as well - the Oireachtas committee chatted with the Vintners Federation of Ireland last week - even if it were just to say that it could reopen on 15 June subject to certain targets being reached. That would provide the sector with some certainty. It needs lead-in time.

I wish to mention an issue that I always raise and about which the Minister of State is also passionate, which is the impact of Covid on young people. They have missed many rites of passage. I am passionate about this issue, but I will not discuss it now because I am out of time. In our strategy, we must ensure that young people's voices are heard and they are given a fair deal when we recover.

Senator Gerard P. Craughwell: I welcome the Minister of State back to the House. Not unlike her, I will express my condolences to those who have lost loved ones during this horrific period in our history. To lose a loved one is one thing, but to lose a loved one and then be on your own in your grief must be terrible.

I compliment the front-line staff, including our hospital workers, cleaners, retail staff and everyone else who keeps the economy going, including my beloved Defence Forces, which have always been available whenever called upon.

We need a Minister who is directly responsible for vaccinations and nothing else. The purpose would be to ensure that we always had up-to-date information. People constantly ask me what age group is being vaccinated currently, but the honest answer is "I do not know". I would also like to see a move away from the bad news every evening at 6 p.m. to some of the good news. Many good things are happening in the country. While one could argue that the Government is suffering from a certain degree of paralysis, there is work being done of which the people are not aware. They need to be made aware of it because many good people are working hard to get this country up and running again.

Hotel quarantining is a serious issue. No one is centrally in charge. It is a mix. The Defence Forces are filling an administrative liaison role, the hotel company is responsible for security and so on and the Department of Health or the HSE is responsible for the overall programme. There needs to be a more co-ordinated approach. It is a bit late in the day to complain that it took so long to get quarantine in place. It should have been in place at the start of this year. In fact, it should have been in place at the end of last year, but we are where we are and we have to make it work.

Will someone on the "Six One" news this evening tell me what age group is being vaccinated currently and when the next group will be taken? We seem to be working in age groups of every five years. Are we finished vaccinating those over 80 years? Are we now dealing with those between 75 and 80 years or are we dealing with those between 70 and 75 years? How soon can old codgers like me with underlying conditions expect their vaccine? That is the kind of information we need.

I listened to the Chief Medical Officer this morning. Pat Kenny has been on about antigen testing and Professor Luke O'Neill has been on about this for months. Today I heard there is a report on the Minister's desk now. What are we doing with a report at this stage? The EU has sanctioned antigen testing and has recommended it as one of the tools. It is not the be-all and end-all by any means, but it is a tool that can be used. My colleague, Senator Byrne, was just

talking about concerts. This weekend there was a concert in Madrid or Barcelona attended by 5,000, I think. They all had to have an antigen test before they went in.

Covid-19 has stolen a year of my grandchildren's lives from school and a year of experiencing normal social interactions. For those aged 16 to mid-20s, it has stolen the most exciting years of their lives. Old codgers like me are losing out on that valuable year with our grandchildren that we will never get to live again. I would like to see something more positive coming, and antigen testing is one such area.

Much work is being done around aerosol transmission at the moment. Ireland seems to be behind the curve on this. Many countries have mechanical solutions which may be put in place in a Chamber such as this which allows for rapid air changing to reduce the level of infection. Why have we not got that here? Why are we still behind the curve? Are we so paralysed by a system that has to have all the legal imperatives in place before we can do anything?

I wish the Minister of State well as things go forward but I would like to see a staged opening up of the country, although I do not want to see major shows or matches right away.

Senator John McGahon: I will follow on from Senator Craughwell's remarks about aerosol transmissions. A year ago, people were mad about washing and sanitising their hands, and we were afraid that touching a surface someone with Covid had touched might mean we might get Covid. That is not as serious as we thought and science is looking more at airborne transmission. The German Parliament uses an aerosol cooling system to increase the flow of air in the building. The national Parliament of Belgium is also doing it and the European Parliament is considering it. I would be interested in knowing the science behind it. I think it is less about political paralysis here than maybe the science and data here are different from other countries, and other countries are ahead of us because they might have looked at it sooner. It is definitely the way forward, however, in making our larger public spaces safer as this continues. It is not just parliaments but supermarkets and other large indoor places. This type of science will be very important over the next year to 18 months. It is about understanding how it is transmitted through the air and how to reduce that.

I know we have had a debate about vaccines, and I could talk about that all day, but I want to make one point about vaccine numbers and vaccinations. I am massively pro-European. The EU is the best thing that has happened to this country. However, just because one is pro-European does not mean one cannot criticise it every once in a while. At the start of the process when countries such as Israel, the US and the UK went to the vaccine companies and asked how much they wanted and signed off on that, the EU tried to negotiate a price and organise the best value for money. That is like a person negotiating with a fireman over how much it will cost to save their house as it is burning down. It was complaining about nickel and dime when we should have gone straight in last January and asked how much the companies wanted, agreed to that and signed. As a result the EU has had a slower rate of vaccination. That is not to be critical; it is just a legitimate point. Ireland has been consistently in the top eight EU countries in the vaccination roll-out and that is the most important point.

I will follow on from another point Senator Craughwell made. RTÉ sent me a push notification last Thursday, and on the news that night, the lead story was that there were 604 new cases and another 13 deaths. The same day 27,000 people got their first jab, RTÉ news was leading with the 13 deaths and 604 new cases. The BBC news includes a counter in the top left-hand corner of the screen recording the number of people vaccinated and it rises from 20 million to

25 million as it happens. We need to move away from the concept of recording case numbers now because it is no longer the yardstick by which to measure anything. It was for the first couple of months when we were scaring the bejayus out of the country but it is not anymore. We need to base the opening of society on data such as admissions to intensive care units or really severe cases. Those decisions should not be based on the fact there are, say, 700 new cases in Dublin and none in west Cork and that results in the whole country being locked down. The reopening of the country must be based on a different form of metric and measurement.

Cohort 4 is a brilliant idea. I know of a family with a young lad in his 20s who has one of the rarest diseases in Ireland at the moment. His father is his carer and they are based in Galway. They have been under lock and key at home, waiting for a vaccine to come along, and they are still waiting to get word about when the vaccine will come to them. It is important for those types of families that clarity is brought to the situation as soon as possible. It is the responsibility of GPs and doctors to identify patients on their lists who would qualify for cohort 4, and when the required level of vaccines come into the practice, they can start to vaccinate cohort 4. That is, essentially, how cohort 4 works.

I will turn to the situation in Dundalk. Who is being vaccinated there depends on the different doctors and when they ordered the vaccines into their practices. At the moment in Dundalk, people who are 80 and over are being vaccinated. Some people in cohort 4 have been vaccinated, as Senator Seery Kearney mentioned earlier. The programme is moving at a different pace depending on where a person is in the country.

There is no advice at the moment for someone who has been fully vaccinated in, for example, the United States and his or her eligibility to fly into Ireland tomorrow. Such a person should not be required to go into quarantine. That is one of the ways we are going to open up international travel. We need clarity on that matter. If someone is vaccinated in another country, how does he or she get into Ireland without any problems and without having to go into quarantine or anything like that? A person who has been vaccinated and can show proof should be allowed into the country. I would appreciate some clarity on that issue from the Minister of State.

Senator Ivana Bacik: I welcome the Minister of State back to the House. I also welcome the opportunity to have a debate on living with Covid-19. I am conscious we had an earlier debate on vaccinations but it is inevitable the two issues overlap. I do not think anyone who has spoken so far in this debate has done so without mentioning vaccinations and I will be the same. The issues are bound up.

All of us are, of course, having this debate in eager anticipation of tomorrow's Government announcement as to where we are going with the plan for future months. After three months of such a tough lockdown, it is absolutely understandable that all of us are very much hoping to see some easing of restrictions, although we are always mindful of the public health requirements. If I were to give a wish list, the first item on it would be that schools all return on 12 April. I speak not only as a parent of two teenagers, but generally. All of us are conscious of the lost generation and the loss to children that prolonged school closures has represented. A whole cohort of secondary school children has had no in-person schooling since before Christmas. That is an immense thing. If we reopen schools, it will be hugely beneficial for our young people and children.

It has been widely signalled the 5 km restriction is due to be lifted, and I very much wel-

come that. We are seeing a considerable amount of congestion. Anyone who lives in Dublin city centre, or the centre of any other city, will be conscious the restriction needs to be lifted. People have been living under that for a long time. Any of us with relatives or friends in other European countries will be conscious that geographic restrictions are quite unusual. Even in Belgium, where there have been very high rates of community transmission, geographic restrictions are not in place. Those restrictions need to be lifted. There has also been some signalling there may be changes to the restrictions on outdoor sporting activities for children. That would also be welcome.

What we are seeing now when we talk about living with Covid is the result of a failure to move more assertively and intensively at an earlier stage. The Labour Party, in particular Deputy Kelly, put forward in January the need for an aggressive national suppression strategy in line with the zero Covid principles being enunciated by the Independent Scientific Advocacy Group, ISAG, here. I want to pay tribute to them because they have been proved right. Of course, had we put in place, for example, the stricter measures around mandatory hotel quarantine, we would have seen a much greater impact in terms of restrictions and, indeed, it may well have been that restrictions would not have needed to be in place so long. I welcome the fact that we now have at least a limited scheme of hotel quarantine but the difficulty is that it is in some ways like closing the stable door after the horse has bolted. It is very much piecemeal. There is also a certain sense of inequity, as we have seen in recent days. People feel that just because they come in from a particular country, which does not necessarily have a higher rate than other countries, they are still subject to this rule. We need to revisit that list of 33 countries to make sure that is not inequitable to people.

For those who were disparaging about zero Covid, I want to quote Ms Jacinda Ardern. I looked again at what the New Zealand Prime Minister said in justifying zero Covid. She said that she did not worry that elimination might prove impossible, because even if New Zealand did not get there, it would still save lives. She said, “The alternative is to set a lesser goal, and ... still misfire”. Those words resonate with me. I looked at the figures and in New Zealand, which has a population of 5 million, only 26 died. Then I looked at our figures. Some 4,666 people here have died of Covid in the past year. Of course, like others, I extend sincere condolences and sympathies to the families of all those affected, all those who died and all those who have been ill. We have a similar population to New Zealand, we are an island nation and our death toll has been 180 times that of New Zealand. Ms Ardern was criticised that this was not practical, etc., but look at the immense cost, grief, dreadful trauma and huge pressure so many people have faced here? I want to pay tribute to front-line workers, as others have done, but think of the trauma and grief we could have avoided had we moved more swiftly earlier, and think of the enormous impact as a result. As we say, we are where we are now, but it is worth reflecting on that. As we move through this, hopefully, we will have time to look back on where we got things wrong and where we got things right. It is worth revisiting that point about Ms Ardern and her clear and coherent policy from the start.

I want to finish on a more positive theme, that is, the issue of vaccination. Last Tuesday’s “Prime Time” programme, with Ms Oonagh Smith reporting on the joy of vaccination, brought home to us that there is a way through this. To echo others, we need to push that good news story more than we are. It is positive to see that as of Friday, 11% of our population had their first dose and 4.4% are fully vaccinated. We need to hear more about that and to promote the need for everyone to avail of vaccines when they are available.

Senator Lynn Boylan: I welcome the Minister of State, Deputy Rabbitte, for the second

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time today. I, too, would like to start by extending my condolences to the families of those who have lost loved ones to Covid. As a State, we should look at how we can properly commemorate them in the future. Today, our focus is on what will come out of the Cabinet sub-committee which is meeting to discuss what might be feasible for 5 April in terms of restrictions. People are waiting with bated breath to see what new freedoms they may have in terms of the 5 km exercise limit. Everybody has found that 5 km restriction really difficult because it has gone on for so long. We have to remember that we are lucky that we get to travel in here to do our jobs and get outside of that 5 km limit. People will also be interested to see whether certain sectors, such as construction and children's sports, will open up.

The Government has to get the communication right on this on this occasion. We cannot have a repeat of the mistakes with the flying of kites, the mixed messages and the race to be first to the microphone because we need effective communication to keep everybody on board. We are at a fragile point in this pandemic. The social contract with the public is breaking down. They are frustrated and weary at the length of this lockdown and, I suppose, at the slow roll-out of the vaccination. The public needs not only the right words, but the right actions.

I would like to talk about some of the things that my party would like to see happening. Others have mentioned the mandatory quarantine. The National Public Health Emergency Team, NPHE, was clear early this year. It said every effort should be made to ensure that discretion, as it currently applies to the need for the restriction of movement and polymerase chain reaction, PCR, testing post arrival in Ireland, is removed. The Government's partial quarantine cannot be described as every effort. I do not think anybody advocates lightly for mandatory hotel quarantine. We understand it is a significant step for the State to take, but when people have been locked inside their homes and restricted to 5 km for so long, it is incredibly frustrating for them to see people travelling into the country. It is leaving us further exposed to the importation of the virus and the threat of more infectious variants, and it risks the progress that has been so hard won by the sacrifices made by people during the lockdown. We need a system of real mandatory quarantine for all non-essential arrivals from all countries. This is the only thing that will really get the job done. It will send a message to international travellers that now is not the time to come here. It is time to get this right. The task then would be to re-open as safely and as soon as possible. Ignoring the need for a proper system of mandatory quarantine jeopardises that aim to reopen.

The dogs on the streets know contact tracing is required. It was one of the first things the World Health Organization told every country to get right if they wanted to stay ahead of the virus. Dr. Mike Ryan warned that Ireland was essentially driving blind in reopening its economy without setting up a strong system of contact tracing to beat the flare-ups of the coronavirus. We missed an opportunity during the summer, when our numbers were so low and it seemed like the virus had retreated. We should have been building up our public health defences, but instead we let go many of the contact tracers. We should look at how other countries are doing it. Dr. Mike Ryan, again, has said to look at Australia and how they have chased the virus down relentlessly through their well-resourced contact tracing system.

Of course, I have to mention the vaccine, because the end of the pandemic is in sight. While it is brilliant the vaccination programme is being rolled out, confidence in the programme is not at a high. Confidence was dealt a further blow last week when it emerged a private hospital had provided vaccines to teachers in the private school attended by the children of the hospital's CEO. We welcome the decision to suspend the vaccination programme at the Beacon Hospital, but is it really a punishment? Prior to the Minister making that decision, the Beacon Hospital

was already considering pulling the plug on the vaccine roll-out. We need to see proper accountability to restore confidence in the vaccination programme because the whole affair has revealed again that, in Irish society, it is who one knows, and one can get doors opened and get benefits and privileges if one knows the right people and mixes in the right circles. If we want to bring the entire population along with us on this, let us hope, final lockdown, then we must get these things right.

Senator Frances Black: I welcome the Minister to the House. I start by sending my condolences to all those who have lost loved ones in this awful pandemic. I also commend all the front-line workers who are doing an absolutely incredible job.

It is an extremely challenging time for everyone at the moment, and no doubt about it. We are all doing our best, but I think that the Minister might agree with me on the following. The idea of wartime solidarity and the we are all in this together sentiment seems to have faded somewhat with the sheer length of this ongoing virus battle. We cannot and will not give up hope, and we will continue to work together to create a safer environment for everyone.

We are all struggling, but the reality is that there are some members of the public whom this current lockdown is affecting in a greater way. I have seen through my own work as a therapist and through my ongoing work on the Joint Committee on Health. I want to use this opportunity today to highlight those who need more support and protection, and this includes vulnerable adults and those suffering with mental health difficulties. The Covid-19 pandemic has served to amplify existing concerns about the protection and human rights of vulnerable adults in Ireland. Safeguarding and protection teams have reported an increase in safeguarding concerns for public and private care home residents due to the lack of access and visitation for families. These visits act as both safeguarding and quality assurance measures, and their absence is notable and worrying. It is absolutely terrifying to think of how widespread the abuse, neglect and exploitation of adults is in Ireland. We now know, from the research on adult safeguarding, that most abuse occurs in the home, behind closed doors, for a variety of reasons. This abuse may be psychological, physical or financial. According to a report commissioned by the Banking and Payments Federation Ireland, 20% of adults have experienced financial abuse and the physical abuse of vulnerable adults has been witnessed or suspected by one in three adults. In 2018, 11,780 safeguarding concerns were notified to HSE safeguarding and protection teams across Ireland, according to the national safeguarding office annual report.

For this reason, as individuals are at present restricted in their movements due to Covid-19, it is imperative and urgent that we enact specific and comprehensive legislation to safeguard and protect not only vulnerable adults, but all adults who may be susceptible to abuse. We need to see the establishment of an independent agency. A number of additional protections are required to ensure that adults at risk are fully safeguarded. These protections include a duty to report, a mandatory response, a duty to provide assistance and a duty to co-operate for financial institutions and local authorities. There must be a power of entry in situations of immediate concern for the safety of an individual at risk and a duty to secure the involvement of the adult at risk. There must be a power to obtain information, it must be honoured and this information must be shared appropriately, in light of the general data protection regulation, GDPR.

Senator Kelleher and the Civil Engagement Group proposed the Adult Safeguarding Bill in 2017. This passed Second Stage in the Seanad in April 2017 with cross-party support. This Bill defined harm and abuse and proposed the establishment of a national safeguarding authority with a variety of powers to support people and to intervene in situations of abuse in addition to

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instituting a reporting regime. I call for a full hearing on this Bill.

Finally, I will talk about sport. As the Minister of State knows, sport is about more than just games and competitions. It is also about connection, community, prospects, sanctuary, the shaping of character and discipline. For many youths in working-class communities, it is a life-saving activity. The absence of sport can be devastating for individuals and their families. The current restrictions on youth sport can be better tailored to meet the needs of young people and their families. The definitions of what is essential and non-essential have become somewhat arbitrary. I encourage a return to community sport. Every football club with which we have engaged takes the pandemic and young people's health seriously. No club is calling for the return of leagues or matches. Instead, they are asking for a Covid-conscious return to the pitch which follows health guidelines and ensures that kids work in pods. The clubs can mirror the phased return of schools in a return to outdoor sport. Engagement and connection with sport are directly correlated with many young people's mental and physical well-being not only in the short term but in a potentially long-lasting way which can result in young people dropping out of sport for good with devastating impacts on their future prospects.

Senator Erin McGreehan: The Minister of State is very welcome back to the House. We are here to talk about living with Covid. We are kind of coping with Covid. Our families, our children, our young people, our old people, people who have lost their jobs and people who are losing their businesses are all on tenterhooks. We are all just waiting with bated breath for our vaccines. I am taking to prayer. Let us hope to get more supply. Everything seems to be hooked on the supply of vaccines. We must try to come up with a plan B. I ask that serious consideration be given to antigen testing, which Senator Craughwell talked about earlier. There is a real need for community in this country. We need to get back out there and to talk to our neighbours and friends. We need sport. I really hope that outdoor sports and activities can start again.

4 o'clock

I see in my children that they need to get back to playing GAA. They are wilting without their friends and without the ability to put on their Cooley Kickhams jersey and get out there as part of their under-sevens and under-eights teams. It is really important and that applies to everyone from young children to young adults. That collegiality and mental health aspect is brought about by taking part in sport. I see that in my club at home, Glenmore Athletic Club. We have tried so hard over the past year to build a virtual collegiality, with virtual competitions such as to see whether the females in the club can cover more kilometres than the men. It is all done through WhatsApp and Facebook. We have got to the point, however, where we are all really exhausted by it. We see another video on Facebook, such as another "Jerusalema" dance, and it is great and positive but we are just exhausted.

I hope that next week we will see some light and some return to normality. There will be a boost from the increased supply of vaccines but that will not sort out the matter for all of us. Alongside Covid vaccines, there needs to be antigen testing in order that people can test themselves. Thankfully, both my parents have received their first vaccination doses. Perhaps with antigen testing, I could visit their house, even to sit outside on the patio, and be comfortable while having a cup of tea and a chat with them. We need a roadmap, although I hate to use that word because the roadmap has turned corners and bends in and out.

As well as sport, we need to reopen construction, which is an essential service given that

we are in the middle of a housing crisis. The issue of antigen testing applies in this case too. Many construction sites offer antigen testing. Construction companies have very thorough health and safety measures in any event and Covid adds another layer to that health and safety.

The mental health of all of us has been damaged over the past year but an avalanche is coming for people who have been stuck at home cocooning and are now afraid to go back out into the real world. We have to consider our mental health and the health of the public, and get cancer screening back up and running with additional resources. We need to look after our families, our older and young people and children, and hope for those better days ahead.

Senator Emer Currie: I am sharing time with Senator Carrigy.

I welcome the Minister of State to the House. I will be measured in what I suggest. I ask her to be realistic about both the numbers and the restrictions. The numbers are volatile and people are struggling, as can be seen with slipping compliance to the rules, so I ask her to be conservative but compassionate. I back increasing the travel restriction to perhaps 10 km, or something more realistic for rural areas, and allowing people to meet one other family outside in a public space in order that children can have a playdate and parents can have a bit of a break. I back allowing outdoor sports for children in small controlled numbers and Foróige programme groups to meet in small groups. I back increasing the rate of vaccination for staff in special schools and gardaí. Moreover, I want the Minister of State to consider the utilisation of outdoor spaces and amenities such as Dublin Zoo, an issue I have raised a great deal over the past week. People need more space. We are all congregating in the same public spaces. They are not actually controlled environments in the way places like Dublin Zoo or Fota Wildlife Park are, which can control the numbers through their gates. My local parks are being closed because of numbers at the weekend. I am speaking about St. Catherine's Park and Millennium Park in Dublin 15. Before Christmas, the zoo showed that one can pre-book and there is no queuing up or interaction. It had restricted numbers, a one-way system and no indoor areas. Everything was outdoors and people moved along. It can also comply with travel restrictions. We need to think about things like this which will give people a bit more breathing space. That is what this is. It is breathing space and a lifeline to people who might get to visit and also to those businesses and charities.

I agree that we need to prioritise people's mental health. Children must come first. I say that as someone who stands here knowing that not all classes have gone back to school. I also wish to share my condolences. I do not think there is a person here who would disagree with zero Covid. To do that, however, we must get Stormont or the two islands on board to make it work.

Senator Micheál Carrigy: I agree with Senator McGreehan that it is not living with Covid-19 but coping with Covid-19. It is important to remember those who have died due to Covid-19, and their families, and express our sympathies. The restrictions have prevented people from comforting one another at a time of grief, which has made it more difficult for families to mourn. It is something Senator Keogan and I know on a personal level having both lost a parent during Covid-19.

The restrictions were in place, however, to contain the number of positive cases and limit the numbers of those who died. Some people out there are suffering more than others due to the pandemic. Our hearts go out to those who have lost jobs and have been on the pandemic unemployment payment, PUP. It is important that we, as a Government, have the supports in place for all to survive and be able to rebuild their businesses when we reopen the economy.

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We must also pay tribute to our health staff and front-line workers in the health service and throughout society. Over the last week, people and politicians have sought to open various areas in society. I urge caution, however. Our infection rates are high. We must prioritise the reopening of our schools on 12 April and that we do not return to a situation where our children with special needs are not in a school setting.

The biggest area in the loss of faith from the public has been our lack of communication on the vaccination roll-out. Over the next three months, however, the programme will see a high percentage of our population vaccinated. With that, the risk reduces and hopefully we will be in a position to go back to the new normal. After that, however, it is important that the proper support measures are put in place, especially for the mental health issues that will arise.

Senator Sharon Keogan: I warmly welcome the Minister of State to the Seanad. I addressed the Minister for Health earlier on the Covid-19 vaccination programme. I commented on the state of progress with the vaccination programme and made fair comments about well-publicised flaws and delays in it, as well as speaking about the state of the nation in lockdown. I spoke about the effects of the policy of the Government and NPHET on the people of Ireland; the vulnerable, those with disabilities, children missing education, people struggling financially and those in grief. Quite simply, I take a holistic view of the events of the past 13 months.

I do not believe it is good public policy to take drastic action without a full evaluation of the costs of such action, including the devastating effect it is having on people's lives and health. Some of my colleagues in Fianna Fáil and Fine Gael have accused me of personalising the debate. The irony and hypocrisy of it, as they are the people who viciously ganged up and attacked me repeatedly. I ask them to point out what I said that was a personal attack on the Minister for Health. Can I not say that I do not have confidence in his management of the crisis? The selective hearing of my Government colleagues is remarkable at best, and disingenuous and malicious at worst. Contrary to what they claim, I acknowledged the difficulty of the multiple aspects of his ministerial brief. I actually empathise with the Minister. I suggested bringing in a Minister to deal specifically with Covid and vaccinations, which would allow him to concentrate on mending the ailing healthcare system.

Why is the Government trying to play the victim card in the political arena? Is the Oireachtas no longer a safe place? Is it now a place where one cannot criticise, debate or ask questions? The attitudes of my colleagues in this House are repugnant to the very fundamental principle of a parliamentary democracy and to freedom of expression itself. Some of the laws and policy decisions made over the past 13 months were previously unimaginable. They are so grave that they are almost without precedent. Am I not entitled to criticise the performance of the Minister or the Government, their policy decisions, the laws that pass, the blind subservience to NPHET or their faltering and incoherent response to the pandemic?

The Government and the Minister have falsely accused me of being a vaccine sceptic, which is a derogatory label designed to undermine me. They clearly need to go back to school and practise their comprehension. I asked valid questions about the approach of the Government and about the efficacy of a vaccine that has been developed in a matter of months. It is simply a fact that most vaccines take about 12 years to be developed, put through clinical trials and approved by regulators as safe and effective. That is 12 years, not nine months. I read scientific journals like *The Lancet* and the *British Medical Journal*, which were quoted on the RTÉ website and posed similar questions about the data on the vaccines and the extent to which they have reduced hospitalisations and deaths. Am I not permitted to ask for information and

clarification?

It is the members of Government who are the vaccine sceptics. They supported the suspension of 30,000 vaccinations using AstraZeneca on a mere whiff of an issue. Some 11 million people have been vaccinated in the UK without any clinical evidence of medical complications. That decision was not supported by the data or the science, like so many of the Government's decisions. Day after day we hear one report or another about vaccine delays and targets being missed while our nearest neighbours in the UK are going full steam ahead. Northern Ireland, with a population of 1.8 million, has administered over 100,000 more vaccines than we have south of the Border. We have given one dose of a vaccine to a population roughly the size of Cork city and county.

Our living with Covid plan - if such a thing exists - and our vaccination programme are rapidly descending into a farce. I am not a proponent of the blunt application of lockdown policies without adequate evidence for them being effective and beneficial. We have locked people up in hotels that have been likened to prisons and we have heard media reports of some people absconding from these hotel cells. Whatever about mandatory quarantine for international travellers, we cannot lock our people up any longer. They have endured enough. Accelerating the vaccination roll-out is of paramount importance. I propose giving the sole responsibility for this task to a new Minister. The Minister for Health could then concentrate on salvaging the wrecked health system. That is perhaps the only solution if we are serious about getting out of this never-ending rolling lockdown. I realise I am not going to make any friends by saying these things but I am not here to make friends. I am here to try to improve people's lives and to goad the Government into action.

Senator Eugene Murphy: I thank Members for a valuable expression of views today. While I certainly do not agree with Senator Keogan in much of what she said, of course she has every right to express her views. However, my understanding of the rules of this House is that statements on a particular issue are statements and Senators are not allowed to ask questions. We all accept that. If we want to change that I am sure there are ways we can do so.

I have no problem standing here and complimenting the Minister for Health, Deputy Donnelly, and the Ministers of State, Deputies Rabbitte and Butler. However, I want to give pride of place to the people of this nation for their outstanding patience and for suffering so much. It is fair to say that they have been very tolerant. Even though they are extremely upset and annoyed at times about the way they are boxed in, they see the difficulty of the situation. Senator Keogan contradicted herself. If I heard her correctly, she spoke about the Government suspending the use of the AstraZeneca vaccine and she then made a statement regarding vaccines being developed over nine months when usually that takes 12 years. The Senator cannot have it both ways.

(Interruptions).

Acting Chairperson (Senator Shane Cassells): I ask the Senator to address his remarks through the Chair.

Senator Eugene Murphy: I am entitled to comment, but I accept what the Acting Chairperson says. I do not believe there is any point in our appointing a Minister with responsibility for vaccines. We already have two Ministers of State at the Department of Health and a Minister for Health. Backed up with officialdom, they are doing a very good job. I acknowledge that

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there have been bumps along the way, but there have been bumps all over Europe and in many countries. AstraZeneca sought to give vaccines to countries outside Europe rather than inside Europe. It is important that the UK and Europe get together on this matter. The bottom line is we are dealing with people's lives.

It is important that we all appeal to the people to remain calm at Easter and to not break the rules. By all means, they can go for a walk, but they know what they should not do. A sizeable minority continue to break the rules. I understand how difficult it is for people, but the sizeable majority are continuing to keep the rules. We need a way forward. I hope that the upcoming announcement from the Government will be about the opening up of particular areas, including, as mentioned, an extension of the 5 km restriction and the recommencement of sports such as football. Young people and others need to be allowed to get back to the training fields. I am involved with a number of sports clubs. As far as I am aware, there was no record of outbreaks where young people were training on fields. Many of the outbreaks in the football arena came from intercounty matches, etc. I agree with the comments of Senator Keogan and others in regard to the recommencement of sports. I know the Minister of State will be acutely aware of this need in her own area.

There has been much said about people missing out on education. The Minister for Education and the Government, working with the officials of the Department of Education, have done a good job in terms of education. Children missing out on education is very regrettable, but it is better than children missing a parent, in my view. We were hit with a pandemic that stopped the world. That is the reality. The Irish Government and other governments were faced with a situation they had never before faced. It is sometimes easy for us as politicians, and for the public, to be critical of things from where we stand, but I have no doubt that a huge burden is on the shoulders of the Minister for Health, Deputy Donnelly, the Minister of State, Deputy Rabbitte, and the Minister of State, Deputy Butler, every night before they go to bed and, again, every morning when they get up. They have to deal with all sorts of situations.

As I said, everything has not been perfect. One would swear sometimes from what one hears and reads that Ireland had the worst record in the world in terms of dealing with Covid. Ireland has one of the best records in that regard. When it comes to the quarantine of people, few countries have done what Ireland has done. Two or three people absconded from quarantine; that is not a crisis. As far as I am concerned, the purpose of quarantine is to stop people coming into this country, but if up to 5,000 people arrived here, I do not know how we would cater for them all in terms of quarantine.

I express the view that everybody is entitled to their view.

Senator Tim Lombard: I welcome the Minister of State to the House for this important debate. It is an important debate for society in terms of how we live with Covid and how we ensure we get society, industry and our economy back on the road. There are so many aspects to this debate that we need to start talking about, including how we are going to reopen Ireland as a society, but also the vaccines and vaccine roll-out. It is important to acknowledge that the miracle of the vaccines was a miracle of science. We are so lucky. Luck was on our side because the majority of the work had already been done because of SARS. But for the SARS outbreak a few years ago, we would have been years waiting for a Covid-19 vaccine. That is the truth behind how the vaccines were rolled out so quickly. Reading any of the medical journals or talking to the doctors will indicate that this was based on nothing more than the comprehensive work done during the SARS outbreak. Because we had the data and had the knowledge behind

it and because Covid-19 was connected to it literally through a family connection, we then had the ability to move forward to produce a vaccine which will hopefully ensure that we get living again in our society in the next few months. That is the miracle of science. I acknowledge everyone who was involved in ensuring that happened. That is an important statement to make.

We need to ensure that we can rebuild our economy and society. Considerable work needs to be done in the health service to ensure that it can reboot after what we have seen. Last week, I spoke about speech therapy for children of three or four years of age which is now happening via Zoom. It is tough to try to get a three-year-old to communicate for 30 minutes. In fairness, the teacher is doing a fantastic job, but it really is a tough process. We need to start looking at the core investments that are required for our children in particular to ensure we can provide those services. We need to try to rebuild those services, particularly speech therapy for that very young cohort who have unfortunately missed out for the past 18 months. That will be a real challenge for our health service.

Many Members have mentioned the 5 km issue, which I hope can be addressed tomorrow. I believe that society has moved ahead of the politicians and NPHEA regarding the 5 km limit. The weather has changed, and we are not in winter anymore. We have come into the spring-time, even though one might not think it after the past few days. The clocks have gone forward and we have the extra hour in the evening time. People want to get out and take walks whether it is in urban, rural, scenic or coastal areas. I hope the 5 km limit can be addressed in the next 48 hours. If that can be addressed, normal living to some degree can resume.

The building sector is particularly important in trying to open up our society and economy. At present, construction work is happening for Irish Water and local authorities, including the building of social housing, but private home developments have stalled. Unless we free that up, the flood of workers who are leaving my part of the world and going to the UK will continue. We will have a real shortage of skilled workers when we try to recommence the building of housing. The knock-on effect will be that the majority of houses will remain unfinished.

At the weekend, I read that we could be down by up to 80,000 houses, which would lead to the start of a housing crisis all over again. I accept that is not entirely of our making, but we need to ensure that we keep our trained craftworkers. They are leaving at the moment. We now need to ensure that we reopen all construction. Construction is somewhat like agriculture; it is mainly based outside with one person and a machine. Obviously, there is social distancing because of the nature of the work. I hope we can address that key issue tomorrow.

I return to my original point. Were it not for the miracle of science, the miracle of the vaccine, the miracle of the scientists and the good work that was done particularly during SARS epidemic, we would be light years away from where we are now.

Senator Timmy Dooley: There were two well-known Fine Gael brothers who were both Members of the Dáil, the Mitchells. I cannot remember which one of them was reputed to have said that it is much easier to sound intelligent by being negative. Unfortunately, far too many politicians and commentators have sought to show their intelligence through negativity during this pandemic. It would be fine if it did not have the profound impact that it has had on society. Some political parties and individuals have taken that route, I presume in the belief that they can appear intelligent and will make some political gain from it. That would be fine if it did not have such a profound impact on the lives of individuals. People are deeply affected and genuinely worried. Some are of the belief that there must be another way because there

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are so many people who have been so negatively disposed towards the Government and who have sought to indicate that there was always a better way. Those people will point to far-flung locations without effectively tracing or tracking the similarities or the differences that pertain in those locations.

We have done reasonably well. Mistakes were made but everybody was starting at this afresh. Some countries have done better and some have done infinitely worse but we are among the best countries in terms of the roll-out of the vaccine. That is the reality and there has been an issue with supply. Some are suggesting that we should have been able to get vaccines from all over the world. Had we not bought into the European model, we would have been priced out of the market, which is what happened when we were trying to get PPE in the early stages of the pandemic last year. The countries with the greatest sources of wealth were grabbing pallets off the forklifts of agents that were operating for Ireland in Hong Kong and China.

We have a job of work to try to hold the Irish people with us. They have come through the worst of it, the vaccine is there and the solution is to get that rolled out as quickly as possible. People have moved on and the reason that numbers are plateauing or perhaps rising a little bit is that people are unable to live within the restrictions as they are currently set. We have to recognise that the restrictions are no longer enforceable and let us stop making criminals out of people. We need to increase the limits to how far people can travel. We can refine it and let people travel within or between counties. Maybe we will restrict what they do when they travel but there are many people whose elderly parents or grandparents are vaccinated or will be vaccinated in the coming days with the significant volume of AstraZeneca vaccine that is on the way. People should be allowed to travel. If there is somebody who has spent the past 12 months here in Dublin and his or her elderly parents are in Cork, Waterford, Clare or wherever have been vaccinated, they should be allowed to travel to see them. That is the reality. We can put restrictions on places such as Kilkee, Lahinch and Liscannor and limit activities there so we do not have an influx of people from Dublin who want to spend the weekend in a beauty spot, whether it is in Wicklow, west Clare or wherever. We can take more careful decisions, rather than continue with this blanket 5 km ban. I know others have talked about 10 km or 15 km travel restrictions but that will not cut it in most situations. We should continue to put restrictions on what people might do when they get there but we should give them the capacity to travel.

I mention play dates, children playing sports and club members playing sports. We have to get that moving again. There are so many children suffering from massive anxiety. I hear it through my constituency office and from friends that people are really worried about children. In fairness to gardaí, they are being helpful to people who present at checkpoints and indicate that they are taking a child to see his or her best friend whom he or she has not seen since Christmas or whenever, and that needs to continue. We need to get construction back and to get people back playing sports. Clubs can be back training in a non-contact way and we should let people play golf and tennis if that is what they want to do, as well as letting people participate in equestrian sports.

People have gotten much more used to social distancing and staying out of harm's way and we can see that in the way the normal flu has not circulated at all this year. We will be living with Covid long after everyone is vaccinated. There will be new strains and people will die with Covid. I met public health doctors in the mid-west region the other day in a virtual way. There are people who have illnesses and who are effectively termed to be at end of life but if they have Covid at end of life then Covid goes on the death certificate. It does not matter if one was dying of cancer, a brain tumour or a multiplicity of other conditions, the death is recorded

as being due to Covid. We have to be careful that when we get to the point of people being vaccinated, we do not get hung up on deaths with Covid because people in many situations will have died for another reason. Like others, I extend my condolences to all those who have died with Covid. I pay a huge tribute to the many people who have worked on the front lines and to those who have often not appeared on the front lines but who are working hard behind the scenes.

Senator Barry Ward: I echo what many previous speakers said about the struggles and difficulties we have had. So many Senators have acknowledged the large number of people who have lost family members, friends and colleagues. There is no doubt about the enormity of the tragedy that is Covid. In the context of living with Covid, it is extremely important that the Government take cognisance not only of the advice of NPHET but also of its own role in governing this country, having regard to the strong feelings people have about where we are now and what the Cabinet can do at its meeting to decide how to relax measures. I recognise that it is an extremely difficult decision. It cannot be gainsaid how difficult it is and how delicate it is to balance the importance of keeping us all safe and allowing people to live to whatever extent is possible. In that regard, I agree with Senators who called for allowing outdoor, non-contact sports to resume. Golf is one of my parents' saving graces. They could play golf in a socially distant matter. The clubhouse would not be open but they could go out onto the course. Tennis is another example of the many sports in the context of which this could be achieved. It equally applies to other aspects of the economy.

I have been listening to the debate and I have been dismayed by the comments of some colleagues on what we should and should not have done, bearing in mind that hindsight is 20-20 vision. I was particularly dismayed by the comments of Senator Bacik, who compared this country to New Zealand. Simply to quote Ms Jacinda Ardern, who said New Zealand would try for zero Covid because it would at least save lives if it did not succeed, and to compare the populations of New Zealand and Ireland and the number of deaths fundamentally ignores the fact that New Zealand is one of the most isolated countries in the world. It is 4,000 km from its nearest neighbour. It does not share a land border with any other country. It does not have a similar economy to ours in terms of the distribution of goods. Just one example of that is the fact that when goods arrive in this country, they come on a trailer on a lorry with a driver, whereas in New Zealand much more container freight arrives and it is handled without the need for personnel. However, the elephant in the room that everybody is ignoring is that we have a land border with another country. We are on an island that is divided between two Governments, albeit with there being one nation. Therefore, we cannot shut down this country any more than we could shut down ourselves. New Zealand can, however. Anybody who compares Ireland to New Zealand, however convenient that analysis might be, is fundamentally misleading us because we are part of a political union that requires interaction with other countries. We have an economy that must be supplied by other countries, and we cannot close the country the way New Zealand does. Senators should please stop making the comparison. It is not just inaccurate, it is disingenuous.

Senator Mary Seery Kearney: Well said. I completely agree with Senator Ward. The comparisons are disingenuous.

I am someone who errs very much on the side of caution. I would prefer to see an extension of the restrictions until our vaccination programme has teeth in a much more fundamental way. That is not to undermine what has been done, which has been tremendous. In April, there will be great hope. I have noted at first hand the sense of hope that comes from vaccination, not

only on the part of my elderly parents but also among friends whose good news we heard today.

The higher levels of restriction are manageable if we set targets on numbers. If we set out what we are aiming for, such as lower case numbers, a number to be vaccinated or a lower number in ICUs, and people see a progression towards it, it is a better target than a date or anything of that nature. No matter what decision is made and no matter what happens, including over Easter - I hope we have good news on the other side of Easter - I ask that no services to children with special needs or disability services, which I acknowledge are close to the Minister of State's heart and work, will be closed down again in the course of this pandemic.

Children's activities beyond sport need to be considered in a phased reopening. Not all children play sport; they also do drama and dance. These activities were possible last year in a marquee-type setting where there was full ventilation. Even with masks and proper social distancing, non-sporty children could be facilitated. That is important.

People in Dublin are looking at the Dublin Mountains. They are tantalisingly close but beyond the 5 km limit. Perhaps this matter could be considered. Click-and-collect services need to be resumed. What has happened is fundamentally unfair, as has been well articulated by my colleagues. We are about to change seasons. Children who have grown feet need to be fitted for shoes. Some of the practical issues in living with Covid need to be overcome. The Internet is not the answer to everything.

We need to consider publishing the number of vaccine doses that are expected to be delivered to the country, the number that are actually delivered and correlate the latter with the vaccine roll-out. In that context, the Government will be shown to have done a good job. We will expose truthfully and transparently where the gap has been.

Acting Chairperson (Senator Shane Cassells): Where living with Covid is concerned, I thank the Minister of State for the sterling work she has done in her sphere of responsibility, in particular for children with disabilities.

Minister of State at the Department of Health (Deputy Anne Rabbitte): Senator Seery Kearney raised that issue as well. It is important that, when we reopen after Easter, the education services that we provide to children be the priority, be they in special schools or classes. Students from first year to third year have not returned to school yet. Neither have transition year students – I cannot leave them out. These students need that social engagement. I have two children in my house. One has gone back to school and the other has not. The one who has gone back is blossoming and loving school. The other girl is at home pining and waiting to return. That is how people are living at the moment, but we must provide education, particularly for young people with disabilities.

Adult day services are starting to resume thanks to vaccinations, although there have been 53 outbreaks in disability centres across the country over the past week. It is important that the vaccination programme continue. To give the House some news, as the programme progresses through cohort 4, it will also include under-65s in residential settings. At the beginning of the debate, Senator Craughwell asked at what point the programme was. It varies from community healthcare organisation, CHO, to CHO. Some CHOs have moved to vaccinating people aged between 75 and 80 while others, based on their populations, are struggling to get their over-80s vaccinated. It is not a geographical issue; rather, it has to do with how many vaccines there are and what the CHOs' populations are.

We have almost 11,000 vaccinators. We have our GPs working their socks off. We have also set up walk-in testing centres. Many dishes are spinning at the same time to try to help with the planning for a reopening, with word to come from the Cabinet. Many sacrifices have been made by many families, front-line workers and young people. We expect that to be balanced by NPHEP's contribution. We also expect the Government's recognition of those sacrifices.

I come from a small town in rural area and we cannot survive on the Internet any longer. We cannot compete with a certain large supermarket - I will not name it - where people can pick up a pair of shoes when doing their shopping. There is a small clothes shop for children, but it is not open. It provides online services, but it cannot compete. There are certain items one has to go in and try on, for example, shoes for young people. In the past nine months, some kids have reached the point of taking their first steps but have still not received their shoes. The local boutique store sells its jackets and whatever else is in fashion, but there are larger stores that also serve food where people have the choice of picking up the same items.

The general population has moved ahead of us. It is time to catch up. If we do, with certain measures, the population will respond. There needs to be working together. The most important thing is clear communication about the pathway. We need to recognise that we must continue to do it together. As the vaccination roll-out continues, we need to bring everyone together for the final stage, with the help of God. If 1 million vaccines are arriving, it is about getting them into everyone's arms in April, May and June. There needs to be transparency and hope. We should turn it on its head, as Senator Dooley said and move away from the death numbers that are in our faces every night and get to the place of looking at the number of vaccines that have arrived in the country and delivered. It should not all be about what just happened that day. We must be fair to the HSE and the people administering the vaccine, and give a good broad reach of where we are in the delivery of the programme. That would create the hope.

Young people need to get out and meet each other. They are returning to schools. The pod environment worked for us when we opened up last year and I think we need to go back to children going back to their outdoor sports in pods of 15, as well as golf and tennis. On my way here today, I heard something interesting which I think related to Dublin and I think Senators Bacik and Currie referred to it. Parks in certain areas are crowded. It is coming up to Easter and we need to think about freeing up parts of towns or cities where there is no traffic so that people can walk and get out in comfort. As Senator Dooley said, we do not want them going to all the hot spots at the same time but we need to give some flexibility. Hopefully that can be recognised with whatever NPHEP presents and what the health sub-committee brings to the Cabinet tomorrow morning. I hope that this discussion here today will be heard and recognised. The members of the Government are listening to their constituents and are also listening to the construction industry, retail and families, parents and children. There are strong voices calling for fairness and flexibility. We will continue to work with this House.

Sitting suspended at 4.42 p.m. and resumed at 5 p.m.

Residential Tenancies Bill 2021: Committee and Remaining Stages

Acting Chairperson (Senator Eugene Murphy): I welcome the Minister of State, Deputy Peter Burke, and his official to the Chamber.

SECTION 1

29 March 2021

Acting Chairperson (Senator Eugene Murphy): Amendment No. 1 is in the names of Senators Warfield, Ó Donnghaile, Gavan and Boylan. Amendments Nos. 1 and 2, amendments Nos. 7 to 13, inclusive, and amendments Nos. 15 to 18, inclusive, are related. Amendment No. 2 is a physical alternative to amendment No. 1; amendment No. 8 is a physical alternative to amendment No. 7; amendment No. 10 is a physical alternative to amendment No. 9; amendment No. 13 is a physical alternative to amendment No. 12.; amendment No. 16 is a physical alternative to amendment No. 15; and amendment No. 18 is a physical alternative to amendment No. 17.

Amendments Nos. 1 and 2, amendments Nos. 7 to 13, inclusive, and amendments Nos. 15 to 18, inclusive, are related and may be discussed together by agreement.

Senator Fintan Warfield: I move amendment No. 1:

In page 4, line 5, to delete “12 July 2021” and substitute “31 December 2021”.

My priority today is to protect as many renters as possible. The number of renters who have sought protection under the existing Act is 407, which has been confirmed by the Residential Tenancies Board, RTB. I wish to again place that figure of 407 people on the record of the House.

In the Dáil, the Minister, Deputy Darragh O’Brien, seemed to think it was a good thing that only 407 people have self-declared in this manner. Our point is not to do with whether that number should be higher or lower. It is basic logic that if we are extending protections to 407 renters out of all the private renters in the market, we cannot simply claim that this is a good or great Bill for renters. We seek, therefore, to primarily limit the damage of section 2, which I will come to. I move amendment No.1, however, which extends protections from 12 July to 31 December 2021.

Senator Alice-Mary Higgins: I have tabled a number of amendments to this section. I am happy to yield my amendments, which seek an extension to October, in favour of the amendments put forward by Senator Warfield, which seek an extension to December.

There are three key points on this. One key concern I have in terms of timing is that this is the fourth Bill in this regard, again rushed through the House in an hour and a half followed by a guillotine. This shows no actual respect for this House in terms of any potential to amend or improve the legislation. While it may have been justified in the early stages of the pandemic, by rushing legislation through in this way a year in it looks like the preference for Government is not to have our legislation subjected to scrutiny in respect of the very important area of rental protection. We know that is the case in terms of the vote that happened during pre-legislative scrutiny of this Bill. It is not acceptable, however. It is an erosion of democracy and there is no excuse.

When this rolls around again, whether it is in July, as the Minister has suggested, in October, as I propose, or in December, as Senator Warfield has proposed, will the Minister of State guarantee that he will come to us a month and advance and give time for the House to debate this on both Committee and Report Stages? Will he give it due and proper scrutiny? It is, I hate to say, an arrogance and a misuse of this House if it is treated like a rubber stamp where measures are pushed through at the last moment, designed so as to avoid us fulfilling our constitutional function.

Another key aspect is the issue of who is considered a “relevant person”, in respect of which I have tabled amendments. We discussed in this House the fact that it would not work. A point was again made in this House that was not taken on board. This aspect is not working because people are not self-declaring.

The other issue we highlighted the last time this legislation came through the Houses was the potentially catastrophic implications of tying ourselves to a 5 km limit. If, as may well be the case, the 5 km limit is lifted tomorrow, it will remove protections for almost every private renter in the State. It is extraordinary, when we have an opportunity with this legislation to extend the emergency period, that we are not also extending its scope by not limiting and tying ourselves to the 5 km limit. It is extraordinary that the opportunity to do that has not been taken.

We will have the chance to address the distance and the issue of relevant person in later discussions but I am signalling those matters now. I do so in the context of the time extension. I hope the Minister of State will indicate that he intends to make a change in that respect. A good start would be if we extended the time limit to October, as I have proposed, or to December, as Senator Warfield has suggested. I will support the Senator’s amendments as well as mine.

Senator Gerard P. Craughwell: The Minister of State is welcome to the House. I must agree with my colleagues, Senators Higgins and Warfield. What we do not want now are short, stop-start measures. We want some degree of certainty. Everybody accepts that this country and the world as a whole will not be back to normal trading and living conditions in 2021. As vaccines are rolled out, we will see slow progress back to normal.

It strikes me that it is a waste of parliamentary time to have provided for an extension to July in the legislation. If we extend the time limit to December and things turn out better than expected, say, by October, as suggested by Senator Higgins, or early December, we could repeal the Bill. That would be great as everybody would be a winner. Right now, however, we are wasting parliamentary time by bringing back Bills with a short lifespan attached to their provisions. Everybody wants a sunset clause whereby provisions of a Bill that have implications like this for landlords will cease to have effect.

I mean no disrespect to the Minister of State because she is not the person who made the decision about how this House would treat this Bill. We are a constitutional House and our job is to query and interrogate legislation and try to improve it. All too often, since Covid-19 hit the country, all Stages of legislation are debated in the House in an hour and a half. With other Bills, we have had three hours to get them through the House. That shows zero respect for us. If an amendment is accepted today, the legislation will have to go back to the Dáil. We know the Minister of State is not going to do that, and the Minister of State and everybody else in the House knows it. We have a job to do in proposing what we believe to be worthy amendments in order that they are at least on the record.

I said earlier that I believe the Government is almost paralysed by Covid-19. I do not blame it because we find ourselves in a catastrophic situation. When the Government starts to dis-pense with normal parliamentary activities, it is not good for legislation or the people. Senator Higgins noted that we will deal later with the amendment to section 2. She is dead right about it being likely that the 5 km limit will be lifted tomorrow, a week from tomorrow or in the next few days. Eminent lawyers in this room and representatives from Threshold and the Simon Community have told us that when that 5 km restriction is lifted, the protections in the legisla-tion will also be lifted.

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I find it deeply regrettable and a gross waste of the constitutional function of this House to have legislation rammed through here week after week. It simply is not good enough. I am sorry to be raising this with the Minister of State, who is just here to do a job. However, we also have a job to do and this House is worthy of greater respect. I ask the Minister of State to take that message back to the Minister and get it onto the Cabinet table. I am getting very tired of this, as is the public. I thank the Minister of State for his time.

Senator Róisín Garvey: Cuirim fáilte roimh an Aire Stáit. Tá áthas orm deis a bheith agam labhairt ar an mBille seo. It is a fairly straightforward Bill which provides for an extension of the emergency provisions by three months. Those provisions may need to be reviewed again in three months' time but we all hope we will be back to some kind of semi-normal state by 12 July and that rent arrears will not be as urgent an issue. We are open to moving dates if needs be, as we are in this Bill. For now, it is unnecessary to jump to December. In the case of rent arrears, increasing the notice period from 28 days to 90 is a massive change. When I was a renter, for 20 or 30 years, that would have been a huge change for me. If one was falling behind on the rent, one only had four weeks to get it together. Ninety days, or three months, is a very significant period and would take the extension from 12 July up to 12 October. That would be a massive extension.

There must be protections for both landlords and tenants. We need to encourage people who have two or three houses to rent them to tenants. Otherwise, we will see Airbnb take over and there will be no places left to rent. There has to be some balance. I am not a landlord. I struggled in the past to find houses to rent. Much of that problem was due to Airbnb or situations where there were seasonal moneys to be made. This is a huge issue in my area of north Clare. There must be better protections for landlords. In fact, I hate the word "landlord". Homeowners with a second or third home need to have security that there will be some supports in place if tenants cannot pay. If those tenants have a genuine reason for not paying, such as having lost their job, they are supported by the State.

I welcome the Bill. There is a large number of amendments and I look forward to the debate on them. I wish the Minister of State the best of luck in progressing the Bill.

Senator John Cummins: On the proposal to extend the emergency provisions until October or December, both the Minister of State and the Minister are on record, in the Dáil and in this House last week, regarding the openness of the Department to consider a further extension, after July, should we find ourselves in circumstances that require it. When the Minister for Health was in the Chamber earlier, he indicated that 80% of the adult population would have received at least one dose of vaccine by mid-June. It is my sincere hope that we will not be in a position where we have to extend the provisions beyond July because of ongoing restrictions.

I note Senator Craughwell's criticisms of the curtailed nature of the legislative process. While I appreciate his genuineness in this regard, perhaps he is not familiar with what officials told us at a meeting of the Joint Committee on Housing, Local Government and Heritage about the urgent need to get this legislation through the Houses and the necessity of waiving pre-legislative scrutiny to prevent protections from lapsing on 12 April for the large number of people who are currently covered by them. This was a gamble that I, as a legislator, was not willing to take. That is why the Oireachtas committee made the decision to waive pre-legislative scrutiny. I compliment the Minister of State and his officials on the speed with which this legislation was brought before the Houses. Of course, we would all love more time to debate this very important legislation and the Oireachtas joint committee would have liked the opportunity to engage

in pre-legislative scrutiny but, given the urgent pressures on time, it was necessary to waive this in order to speed up the process and get this Bill through.

Senator Mary Seery Kearney: I have two things to say. First, I support Senator Cummins. The specific word used was “catastrophic”. One cannot but respond to that. While I would rather have extended debate - the Senator was absolutely right on that point - in light of the circumstances and the advice from officials, we felt there was no choice but to move quickly and immediately.

In the next 24 hours, decisions will be made which will, I hope, remove the 5 km restriction. It is really important that a stand-alone right which has nothing to do with that restriction is created, and that is what this legislation does. There will be a stand-alone right to protections for people who have been affected by Covid. This has existed in legislation up to now, although in a different way which inextricably links it to the 5 km restrictions, but we are now creating a stand-alone right for people who are in arrears and who have been affected by Covid. That is what this legislation does. There is a little bit of a misunderstanding around it but, to be fair, the Minister of State and his officials could not have been more emphatic the last day we debated the Bill and in their advice to us in saying that this stands alone and is separate. As a consequence, given that this impact is so linked to Covid, it is reasonable that it is set within a proportionate time frame. The extension to 12 July is a proportionate response in legislation.

It is also correct that this will come back before us, as legislators, for review if the date needs to be extended or if the situation in respect of Covid were to get worse, which we hope it will not. It would be wrong to have set out a long or open-ended timeframe and to have left any extensions to a statutory instrument. It is better that the matter come before us again so that all of us in this House can have a say on it. Consequently, I do not support the amendment to extend the expiry date beyond 12 July as this date represents a proportionate restriction on what is, at the end of a day, a constitutional right to private property.

Senator Martin Conway: I agree with my colleague, Senator Seery Kearney, with regard to the amendment. I welcome the Minister of State back to the House. It is fair to say that this legislation provides more clarity and protection for people who are renting than is provided to them in most other countries in the world. The protections provided in this legislation would probably not have even been considered two or three years ago but, because of the situation we are in, they are now being considered now. It is reasonable to come back here if this measure is to be further extended, beyond 12 July. The important thing is that the protections are there. Many people have benefitted from them. There are thousands of people who are in arrears with their mortgages and there are also thousands who are in arrears with rent. There are thousands of landlords who are in arrears with mortgages, particularly people who might only have one or two houses and who find themselves on the pandemic unemployment payment and not in a position to fulfil their mortgage commitments. It is not easy for them either. We always have to be cognisant of their situation. There is a reasonable expectation that people who, through no fault of their own, find that they cannot pay their rent would receive the protection of our State in the middle of a pandemic. That is essentially what this legislation will do and what associated legislation has done. It is crystal clear. Reviewing the legislation after 12 July is appropriate and I would not support an extension.

Senator Barry Ward: I agree with previous speakers that the measures in the Bill are a proportionate response to a difficulty. It is important to point out that no matter what happens, no legislation we pass will cover every eventuality. There will always be people who require

protection and do not get it because it is almost impossible for legislation to conceive of every eventuality, circumstance and individual case. Every individual case will have its difficulties.

My colleague, Senator Conway, referred to accidental landlords who may have difficulty paying their mortgage, and regard must be had to them as well. I am conscious, for example, that in recent weeks the protections provided by section 35 in respect of disallowing the *de facto* eviction or notice being given to more than ten properties in a single development have been used at St. Helen's Court in Dún Laoghaire. These are important protections. The Bill does not remove all the protections, as has been suggested by Senator Craughwell, but I accept that it removes an important one, once the restrictions are lifted. However, there are still very important protections provided for in the residential tenancies legislation. The section 35 provision prevents notice being given, in cases of ten or more properties, for the purpose of substantial redevelopment at the landlord's convenience. When this occurred in St. Helen's Court the evictions were stopped by the legislation. However, the Derry-based developer who bought the apartments from PwC then served a notice on eight property owners, which is reprehensible. To my mind, it is a naked attempt to circumvent the protections in the legislation. That has happened and the legislation has failed in that instance to protect the tenants who are in these homes in St. Helen's Court. They are compliant tenants who are paying their rent. They are not guilty of anti-social behaviour or any other breach of their leases, yet they now find themselves at an extraordinarily difficult time looking for new homes in the coming months, which is a very difficult situation.

Let us acknowledge that the legislation does not do everything we would like it to do. I am sure the Minister of State, Deputy Peter Burke, feels the same because I do not think he would endorse what has happened in Dún Laoghaire either. The reality is that in all legislative processes we must balance the rights of different sectors of society. On Second Stage, I raised other issues that are not covered by this legislation. Amendments I tabled were ruled out of order because they are outside the scope of the Bill, but they relate, for example, to providing legal aid and legal advice to people who are before the tribunal of the Residential Tenancies Board. They provide, for example, for circumstances where we move the evidential burdens onto landlords rather than tenants. If they cannot be addressed in the Bill, I will accept that but the issues remain. I ask Members to step back for a moment and not to present these matters as if they are black and white or as if, on one side, we have somebody trying to undo the rights of people and, on the other side, we have somebody trying to save the rights of everyone. That is not the case. We live in a world of shades of grey. That is the reality. As another speaker said, I presume and expect that if need be, we will come back with more legislation when we reach the date set by means of the sunset clause. I invite the Minister of State to confirm that is the case.

Nobody is trying to do away with the protections that are important and necessary, but we must move with the times and recognise the realities of this situation and that there is no such thing as a Bill that does everything we want it to do. I agree that we must do what we can but in that regard all of these things are a matter of balancing the rights of two sets of individuals, neither of which is having a whale of a time during Covid. We must always seek to balance those rights. The Bill does a very good job of doing that. I presume the Minister of State would concede that it is not perfect because in previous debates he has been generous in acknowledging that the legislation does not do everything even he would like it to do. We all live in a world of compromise where we try to balance rights and achieve the best possible result for as many people as possible.

Acting Chairperson (Senator Eugene Murphy): Some Members are indicating to speak

again and everybody will be allowed to do so. At this point, I will ask the Minister of State, Deputy Peter Burke, to respond to the very valuable contributions made by Members.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank all the Members who spoke. I genuinely appreciate the valuable responses that have been made, as the Acting Chairman noted. It is important that we have this debate. I acknowledge the frustration with the speed of the Bill's progression. We offered extensive oral and written briefings and carried them out with the joint committee. Common threads in the contributions that have been made are normality and certainty. It is very difficult to have full normal parliamentary mechanisms in a pandemic when we rely on the statutory Office of the Attorney General providing advice to us to protect the Constitution and we implement legislation on foot of this advice. Timelines can be constrained. It is very difficult, given that the Covid-19 virus has an uncertain trajectory, to predict the future.

Before I address the amendments, I want to point out there is a danger of conflating the emergency periods. People are misreading one key point. We have to be very clear that the 5 km rule is under different legislation, the Residential Tenancies Act 2020. The Bill has nothing to do with that. The Bill is about protecting those who have run into rental arrears through Covid. It offers protection under the Planning and Development, and Residential Tenancies, Act 2020. It is a different Act based solely on an economic impact. This is the key issue to get across. This is what we are doing with the Bill.

I cannot accept Amendments Nos. 1, 2, 7 to 13, inclusive, or 15 to 18, inclusive, which seek to increase the proposed extension in the Bill of the emergency period under the Planning and Development, and Residential Tenancies, Act 2020 from three months by varying lengths to provide an extension of either six months or eight and a half months, ending on 13 October or 31 December 2021, respectively.

The amendments also propose consequential amendments to other dates within the Planning and Development, and Residential Tenancies, Act 2020, which correspond with the various expiry dates proposed by the Opposition for the emergency period under the Act.

Section 9(1) of the Planning and Development, and Residential Tenancies, Act 2020 defines an "emergency period" as from 11 January 2021 to 12 April 2021, during which the enhanced tenancy protections under that Act apply for tenants in arrears, subject to conditions and procedural requirements. Section 1 of this Bill, in paragraph (a), proposes to extend the expiry date of the emergency period from 12 April 2021 to 12 July 2021.

In line with the advice of the Office of the Attorney General, the Government seeks to limit as much as possible any interference with the constitutionally protected property rights of landlords. It is the hope of the Government that the situation for tenants will have improved by 12 July and that there will be no need for the enhanced tenancy protections contained in the Planning and Development, and Residential Tenancies, Act 2020, thereafter. Covid-19 has brought about much uncertainty. The Government's proposed three-month extension to the application of enhanced tenancy protections under the Planning and Development, and Residential Tenancies, Act 2020 aims to complement our wider efforts to suppress the spread of Covid-19 throughout the country. None of us could have foreseen the fatal trajectory of the Covid-19 virus.

Paragraphs (b) to (d) of section 1 update various dates from April 2021 to July 2021 to re-

flect the extended emergency period. The proposed amendments to the Planning and Development, and Residential Tenancies, Act 2020 in the Bill provide for the enhanced protections for tenants, subject to conditions and procedural requirements under that Act, to continue to apply from 13 April 2021 to 12 July 2021 if they have been economically impacted by the Covid-19 pandemic and consequently are unable to meet their obligations under the Residential Tenancies Acts to pay the rent due and are at risk of tenancy termination. During this time, relevant tenants will be safeguarded from eviction and rent increase.

Paragraph (b) of section 1 extends the eligibility expiry date from 12 April 2021 to 12 July 2021 for tenants to qualify as a relevant person within the meaning of section 10(6) of the Planning and Development, and Residential Tenancies, Act 2020. If this Bill is passed, a “relevant person” means a tenant unable to comply with his or her obligations to pay rent due in respect of a tenancy because he or she is, or was at any stage, between 1 August 2020 to 12 July 2021: in receipt of, or entitled to receive, illness benefit for Covid-19 absence; or in receipt of, or entitled to receive, the temporary wage subsidy or any other social welfare payment or State support paid as a result of loss of earnings due to Covid-19. This includes the rent supplement or a supplementary welfare allowance. Paragraph (c) extends the eligibility expiry date from 12 April 2021 to 12 July 2021 for landlords to qualify as a “relevant person” within the meaning of section 11(6) of the Planning and Development, and Residential Tenancies, Act 2020.

Pursuant to this amendment, a “relevant person” means a landlord who is, or was at any stage, between 1 August 2020 and 12 July 2021: in receipt of, or entitled to receive, illness benefit for Covid-19 absence; or in receipt of, or entitled to receive, the temporary wage subsidy or any other social welfare payment or State support paid as a result of loss of earnings due to Covid-19.

Subparagraph (i) of paragraph (d) of section 1 of the Bill substitutes paragraph (a) of subsection (1) of section 12 of the Planning and Development, and Residential Tenancies, Act 2020 to: provide that the earliest termination date that can be specified for a tenant protected under that Act is 13 July 2021, extended from 13 April 2021; and makes a technical reference to a new subsection (1A) to be inserted into section 12 of the Planning and Development, and Residential Tenancies, Act 2020 by section 1 of the Bill. Subparagraph (ii) inserts a new subsection (1A) into section 12 of the Planning and Development, and Residential Tenancies, Act 2020.

The new subsection (1A) of section 12 applies, as per paragraph (c) of that subsection, to a notice of termination grounded on rent arrears and served on a tenant during the emergency period specifying a termination date that falls on or after 13 April 2021 and before 13 July 2021, that is, critically, it falls during the three-month extension provided under this Bill. Paragraph (a) of the new subsection (1A) of section 12 provides that, subject to paragraph (b) of that subsection, if the tenant is protected by the Planning and Development, and Residential Tenancies, Act 2020 and subsection (1A) applies in his or her case, the specified termination date shall be deemed to be 13 July 2021. This measure provides the benefit of the enhanced protections to relevant tenants until 13 July 2021. Paragraph (b) of the new subsection (1A) of section 12 provides that if the Planning and Development, and Residential Tenancies, Act 2020 protections cease to apply in relation to a relevant tenant, the protections under paragraph (a) shall also cease to apply ten days thereafter. This affords a grace period for tenants to find alternative accommodation.

Subparagraph (iii) of paragraph (d) of section 1 of this Bill provides a technical amendment to paragraph (a) of subsection (2) of section 12 of the Planning and Development, and Residen-

tial Tenancies, Act 2020 to update the deemed termination date from 13 April 2021 to 13 July 2021 in respect of a tenant who was served a notice of termination grounded on rent arrears prior to 11 January 2021, either specifying a termination date that falls between 11 January 2021 and 12 April 2021, or with a deemed termination date that falls between 11 January 2021 and 12 April 2021, by virtue of section 5(4) of the Residential Tenancies and Valuation Act 2020.

Senator Gerard P. Craughwell: I thank the Minister of State for outlining the situation as it is. I want to acknowledge my colleagues who, like me, are supportive of the legislation he is putting through. I want to put on record that I am 100% supportive of what he is trying to do. However, I have two issues, and the first issue is as follows. There are eminent lawyers in the Chamber. Can somebody explain to me what is the difference between the Minister of State accepting the amendment to December 2021 and having to come back to the House between now and December, when everything, as we hope, has gone back to normal, to repeal the section, or, if things have not improved, having to come back in July to extend it? What is the difference? It provides certainty to the end of the year for tenants, as far as I am concerned.

I appreciate Senator Ward's input. I have known Senator Ward for a long time and I trust what he says. He acknowledged that there is a section which causes a bit of a problem. Unless I am mistaken, the 5 km element may cause difficulties at some point. We do not know.

I am a layman but I have obtained legal opinions on both sides, one arguing that it does not apply and the other stating that it does. If I were a tenant, I would not be at all happy. I will not impede the passing of the Bill. I will not call any votes but I want to put on record the haste with which the Bill has come through the Seanad and my belief that what is happening demonstrates a lack of respect for this constitutional House. I still cannot understand why the Minister could not accept the provision for a December sunset clause. If everything is going as we hope in July, the Minister could still have come in here to say we did not need the clause any more and it could be cancelled. I would appreciate the Minister of State trying to explain that to me.

Senator Róisín Garvey: I want to highlight the prohibition of rent increases is important and the fact that people cannot increase rent at this time. We are coming into the summer and where I live, there are individuals who see dollar signs and think about hoisting people out of houses in May for June, July and August in order to charge ridiculous rents. We see it happening all over north Clare and it has led to a major lack of housing availability. It is really important to emphasise that this applies to tenants who have been affected by Covid-19. We are hoping Covid-19 will not be an issue in December. Senator Craughwell knows as well as I do the slating the Minister would get if he rowed back on a promise. That is a very plain reason to include the clause for July and to extend it if required. If the Minister stated that he made a mistake and had to row back on the December provision, we know it would go down like a lead balloon.

It is important nonetheless that we are doing this for tenants, and it is great we had the wherewithal at the beginning to extend these provisions. That made a significant difference to people. We have much work still to do in respect of tenancies, tenancy agreements, evictions and notice periods of one month or even four months when work is to be done on a house and somebody is going to pay double the current rent. There is much yet to be covered but I support the Bill.

Senator John Cummins: To respond to the points just made, some people, albeit not in this House, have suggested that the Government should ignore the Attorney General and allow

this to be tested in the courts. The Government must ensure that any legislation which passes is proportionate, legal, constitutional and not open to challenge. The Attorney General has been quite clear in his advice to the Government that this legislation is okay in the context of Covid-19 but because we do not know what the position will be after July, the Bill's provisions can only apply for a limited period. As I have stated, the Minister and Minister of State have indicated that if we are, unfortunately, in circumstances where Covid-19 is still with us at that point, they will not hesitate to come back before both Houses of the Oireachtas in order to extend the provisions of the legislation.

I thank the Acting Chairman for the latitude. Before concluding, I appeal, as I did last Friday, for the Opposition not to make a political football out of this as some people have done outside the Chamber. They have posted screenshots of votes of the Oireachtas to support an argument that in some way the Government is against tenant rights and this legislation is removing protections for tenants. This legislation is enhancing protection for a further three months. That is a fact and anything stated to the contrary is inaccurate. It is very important to put that on the record. This is about extending protections for a further three months for a cohort of people who have been the most negatively affected from a financial point of view by Covid-19. It is right and proper action and I commend the Government on it.

Senator Fintan Warfield: Just because the Senator keeps saying it does not make it true. It is not only us who are saying this. Threshold and the Simon Communities of Ireland have said that section 2 of the Bill is punitive, unnecessary and will lead to the loss of accommodation and to homelessness. Sin é. I appeal to the Chair. We should discuss and focus on the amendments before us in line with Standing Orders. I will not labour the point because we only have an hour and a half for this Bill, but I will press for a vote on amendment No. 1.

Senator Mary Seery Kearney: This legislation interrupts constitutional property rights. The proportionality of that is determined by Covid and whether Covid lifts or the Covid situation gets better. I hope with all my heart that we will be in a much better position by 12 July. It is right that we take it in those steps. Otherwise, it becomes disproportionate and unconstitutional. That is the reason. I have no problem extending this if the circumstances arise but if they do not, they do not. That would be great. Then we can have a debate for another day on a different set of rights. However, we should be clear that the rights as they stood prior to Covid still stand. None of those has been diminished.

Senator Rebecca Moynihan: I had not intended to intervene on this because the perspective on the amendments has been clearly outlined. We have heard many speeches on matters that are not the amendment at all. It is important to clarify what this Bill does. As Senator Warfield said about section 2, it is not just members of the Opposition who are saying it but also the NGOs involved in this area such as Threshold and the Simon Communities of Ireland. They have said there are people who will be financially impacted and could potentially lose their homes as a result of this. They are not covered. Only 700-plus people are covered. They have registered their tenancies and registered as being in arrears. They have said from their experience that it is excessively cumbersome.

I wish to clarify the 5 km limit. All the indications are that the Government will change the 5 km limit tomorrow. We tied, in legislation, the extension of eviction protections to renters to the 5 km limit. If that limit is lifted, we will still be in a Covid situation and we will still have the balance of rights. Unfortunately, however, because we tied it to the 5 km, we will probably still have level 5 with a couple of small restrictions lifted. When this happened last August, 360

people got notices of eviction. We must say that clearly when we are talking and not speaking to the amendment. Members say this is enhancing the rights of tenants, but when we have over 600 cases of Covid a day and we have not had a full roll-out of the vaccine there are hundreds of families who will potentially be evicted. It is important to put that on the record. As Senator Warfield said, just because Members keep saying it does not necessarily make it true. I do not want to end up with a situation in which that is going to happen but it is likely to end up happening, and it is not just the Opposition that is saying it.

Deputy Peter Burke: I acknowledge the genuine and well-meaning nature of the contributions. In response to Senator Craughwell, this is strictly on the advice of the Attorney General. He is the constitutional officer from whom the Government must take its advice. He is trying to balance the property rights in the Constitution with the rights of very vulnerable people who are renting and have experienced a loss in their income as a direct result of Covid-19. The State supports have been ramped up to meet that. I believe over €11 billion has been paid out in supports. I also acknowledge the great work of community welfare offices in dealing with applications for supplementary welfare allowance in less than three days. Considerable work is being done on the ground by various State actors and all of those supports are available.

I genuinely appreciate the frustration with the short timeframe in the Bill. I have the utmost respect for the Seanad. It is unfortunate that, given the emergency we are in, Bills are coming at pace. The period specified is strictly the result of the advice of the Attorney General. I am hopeful we will be in a different place come July. We are all hopeful of that.

On the rights of tenants being tied to the 5 km travel limit, the latter is covered by a different Act. If the 5 km travel limit is lifted tomorrow, it will have nothing to do with this Bill. It is a health regulation attached to the Residential Tenancies Act 2020. That is where the 5 km travel limit eviction ban derives its authority. This Bill is about protecting those who are in rent arrears due to Covid-19 and income loss and that is what Threshold asked for. Members have mentioned Threshold numerous times. When Threshold was asked what the main issue for renters was in a pandemic, it indicated clearly that its main concern was rent arrears. That is why we moved quickly and took a proportionate response in this Bill to stand by renters.

An Leas-Chathaoirleach: Is the amendment being pressed?

Senator Fintan Warfield: Yes.

Amendment put:

The Committee divided: Tá, 13; Níl, 29.	
Tá	Níl
Bacik, Ivana.	Ahearn, Garret.
Black, Frances.	Blaney, Niall.
Boylan, Lynn.	Burke, Paddy.
Craughwell, Gerard P.	Buttimer, Jerry.
Gavan, Paul.	Byrne, Malcolm.
Higgins, Alice-Mary.	Carrigy, Micheál.
Keogan, Sharon.	Cassells, Shane.
Moynihan, Rebecca.	Chambers, Lisa.
Mullen, Rónán.	Clifford-Lee, Lorraine.

29 March 2021

Ó Donnghaile, Niall.	Conway, Martin.
Sherlock, Marie.	Crowe, Ollie.
Wall, Mark.	Cummins, John.
Warfield, Fintan.	Currie, Emer.
	Daly, Paul.
	Doherty, Regina.
	Dolan, Aisling.
	Fitzpatrick, Mary.
	Gallagher, Robbie.
	Garvey, Róisín.
	Kyne, Seán.
	Lombard, Tim.
	McGahon, John.
	McGreehan, Erin.
	Murphy, Eugene.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	O'Reilly, Pauline.
	Seery Kearney, Mary.
	Ward, Barry.

Tellers: Tá, Senators Fintan Warfield and Rebecca Moynihan; Níl, Senators Robbie Gallagher and Seán Kyne.

Amendment declared lost.

An Cathaoirleach: If Senators want to have conversations, they can have them outside the Chamber. I welcome the Minister of State back to the House.

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

In page 4, line 5, to delete “12 July 2021” and substitute “13 October 2021”.

Amendment put and declared lost.

An Cathaoirleach: Amendments Nos. 3 to 6, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 3:

In page 4, between lines 6 and 7, to insert the following:

“(b) in section 10, by—

(i) the substitution of the following subsection for subsection (1):

“(1) This Part applies in relation to a tenant in relation to the tenancy of a dwelling where—

(a) he or she is a relevant person, and

(b) as a consequence thereof, there is a significant risk that the tenancy of the dwelling will be terminated by the landlord,

and references in this Part to tenant or tenancy of a dwelling shall be construed accordingly.”,

(ii) the deletion of subsection (2), and

(iii) the deletion of subsection (5).”.

I will speak to this set of amendments and to the section. I realise we are about to run out of time again, which is something that avoidable, even if it be another hour added to the day. For those who spoke about officials advising them about the urgency, of course it is urgent but that is no reason this legislation could not have been developed and put on the Order Paper in February. The Government sometimes acts as if it does not have control on time. It does have control on time and the Minister of State also has control. He could have chosen to address the 5 km and 20 km issue in this legislation. There are amendments that show he could have addressed it in this area, amendments which were ruled in order. We need to be very clear. Let us not have a washing of the hands. Government does have control on how it uses time, certainly more than we in the Opposition benches do.

I want to acknowledge one positive thing in this Bill, which is the 90-day notice period during the emergency. I acknowledge this is an issue I have raised repeatedly as a matter of great concern. I am glad that is addressed and I want to give credit where credit is due. It is a small but significant potential comfort that gives a period of time in which people may be able to address arrears. I acknowledge that. I know there are those within Government parties who pressed for that issue and who took in good faith the arguments I put forward in that regard. I wish there had also been a taking in good faith of the question on the definition of “emergency period”, which was put forward by Senator Moynihan, and the extension from 5 km to 20 km, which is a proposal I made in the autumn. I was disappointed then and I am, frankly, perplexed we are not using this opportunity to deliver it.

Amendments Nos. 3 to 6, inclusive, relate to the core reason things are not working, which is the declaration. We need to be very clear on this. The Minister of State spoke about all of those who had lost out through Covid payments, all of those on illness payments, and all of the people who would be covered and who are still going to be protected, but there is a caveat in their protection. They are not automatically protected. They are only protected if they go through a process, which we in this House rightly described as elaborate, off-putting and chilling, to declare themselves to be a relevant person. We have seen very clearly that exactly what we warned about has happened. People have not declared themselves as relevant persons. Look at the chilling effect. Since July of last year, only 700 people have applied to be considered as a relevant person. That figure is in spite the fact that, as of last week, 449,500 individuals were in receipt of the pandemic unemployment payment, PUP. There is a huge gap between those who are potentially eligible for this protection and those who actually have this protection. The

reality is that when the 5 km limit is removed, a large number of people will not be declared as relevant people and will not access the protection they need. This was entirely avoidable.

Amendments Nos. 3 to 6, inclusive, give the Minister of State the opportunity to address the problems we knew at the time would happen. If he accepts amendment No. 3, the speech he gave earlier will, in fact, be correct in a way it was not, unfortunately. He spoke about those who have protection and those who have an entitlement, but he left out the piece about the declaration and that is the issue here. My amendment No. 3 would mean the protections which will stand under this legislation during the emergency period would apply:

... in relation to the tenancy of a dwelling where—

(a) he or she is a relevant person, and

(b) as a consequence thereof, there is a significant risk that the tenancy of the dwelling will be terminated by the landlord ...

I am not adding new people to qualifying list. I am trying to address problems in the process. The same language required to be put into the declaration but without the chilling effect currently there whereby people were told they would be committing an offence if the declaration was false or misleading in any sense. We warned that would have a chilling effect. People are nervous. They do not know their rights in that area. We said it should be made a requirement and we should seek to capture all those who qualify rather than requiring them to jump through hoops. It is very clear, given the tiny proportion of people who have declared themselves, that they have not fully activated.

I am concerned about the declaration. I am concerned about the false and misleading part. We will not get to my amendment No. 31, which addressed the standard in respect of “false and misleading”. I am aware there have been some caveats to “false and misleading” and clarification on that but it is still has a chill affect. We put the standard on tenants in terms of declaring themselves to be a relevant person for protection but we do not put the same demand on landlords. My amendment No. 31, which we will not get to, raised the question of a landlord having false or misleading information in his or her notice of termination. Will he or she be committing an offence also? I recognise there is a variety of landlords but, generally, they will have more access to legal advice than many tenants. Will we hold them to the same standards?

We should bear in mind that of the hundreds of notices served as soon as the opportunity presented itself in August, 80 complaints were made to the Residential Tenancies Board in terms of illegal eviction notices. This points to another problem in section 2, which others have highlighted. The language of section 2 indicates that people will not be protected if arrears are cited in the notice. What if a landlord cites arrears as an issue but they prove not to be? Where does that leave us? We are using loose language in respect of the notices of termination of the landlords. I am aware we have a whole architecture in terms of the Residential Tenancies Board, thank goodness. However, I am concerned about this delicate situation in which many people will face insecurity that we do not give the same benefit of the doubt to tenants that we give to landlords.

My amendment would be very clear. Amendments Nos. 3 to 5, inclusive, all relate to the same issue and state that either a declaration is not be required, or, if a declaration is required, it would have to be put in good faith.

I ask the Minister of State whether somebody can apply to be a relevant person after the period of time. Can somebody apply after receiving a notice of termination? If somebody's application to be a relevant person is still in consideration, will the Minister of State ensure that the notice of termination would not proceed? Is it the case that a notice of termination might continue in respect of somebody who is eligible and has applied but is awaiting a determination?

I give credit where there is positive engagement and I recognise the 90-day extension which applies in respect of the emergency period. I tried to apply that in a wider sense. As others said, it is an attempt to capture the many people who will not fit under the cover in terms of the relevant person but will, nonetheless, have been indirectly affected by Covid-19. My amendment No. 6 looks to make it clear that somebody can request an extension of the period for repayment where there is evidence that he or she is engaging with the tenancy protection services or the Money Advice & Budgeting Services, where there is a pending application for enhanced rent supplement payment, where there is a pending decision on an application for a housing assistance payment or where there is engagement in any process under the remit of the Residential Tenancies Board. Again, Minister-----

An Leas-Chathaoirleach: As it is now 6.30 p.m., I am required to put the question in accordance with the order of the Seanad today, so I have to interrupt the Senator.

Senator Alice-Mary Higgins: It is a pity I am not in a position to report progress. I hope that next time we have this debate we will be able to report some progress in terms of how we approach these issues.

An Leas-Chathaoirleach: I thank the Senator.

As it is now 6.30 p.m., I am required to put the following question in accordance with the order of the Seanad of this day: "That amendment No. 3 is hereby negatived in Committee, that section 1 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.

Residential Tenancies Bill 2021: Motion for Earlier Signature

Senator John Cummins: I move:

That, pursuant to subsection 2° of section 2 of Article 25 of the Constitution, Seanad Éireann concurs with the Government in a request to the President to sign the Residential Tenancies Bill 2021 on a date which is earlier than the fifth day after the date on which the Bill shall have been presented to him.

Question put and agreed to.

Sitting suspended at 6.32 p.m. and resumed at 7 p.m.

Matters Arising from the Withdrawal of the UK from the EU: Statements

An Cathaoirleach: I welcome the Minister to the House for these important statements on matters arising from the withdrawal of the United Kingdom from the European Union. I ask the Minister to address the Senators.

Minister for Foreign Affairs (Deputy Simon Coveney): I thank the Cathaoirleach. I am pleased to be back in the Seanad this evening. The ongoing engagement of Senators is very welcome on what remains an issue of vital importance for businesses and citizens on the island of Ireland.

Since my last appearance before the Senators, we have seen the successful conclusion of EU-UK negotiations on a future relationship and the end of the transition period. Securing the EU-UK Trade and Cooperation Agreement, TCA, together with the withdrawal agreement, including the Protocol on Ireland and Northern Ireland, means that Ireland's key Brexit objectives have been achieved.

The TCA puts in place the platform that facilitates a new phase of co-operation with the UK on a wide range of areas. We look forward to the final steps in its ratification being concluded as soon as possible and welcome the further certainty that this will provide. When ratification is complete, we expect that the work of the TCA's joint bodies responsible for implementing the technical detail of EU-UK co-operation will begin in earnest.

As we have throughout the Brexit process, Ireland will continue to do everything we can to build a strong EU-UK relationship. I have made our support and ambitions in this regard very clear time and time again.

No agreement could ever replace our shared membership of the EU but the TCA avoids the most serious consequences that a no-deal outcome would have brought, including tariffs and quotas.

I understand the disappointment felt by our fishing communities over the new fishing arrangements. As the House knows, that was one of the most difficult and hardest-fought elements of the negotiations.

The Government is working to support the sector and the coastal communities that depend on it. The Taoiseach, the Minister for Agriculture, Food and the Marine, Deputy McConalogue, and I remain actively engaged with the Commission - exploring options and seeking constructive solutions on how best to address the disproportionate allocation of pain in this area and to restore balance quickly to member states' fisheries quota shares.

Even with the TCA in place, the end of the Brexit transition period brought about the largest change in EU-UK relations in almost 50 years. The new reality, with the UK outside the seamless trading environment of the EU Single Market and customs union, is that additional formalities apply to trade with Great Britain. These formalities take time, and require additional administration. At the same time, because of the protocol there are no new checks on goods moving between Northern Ireland and Ireland or the rest of the EU in either direction.

We said there would be challenges and that it would take time to adapt to the new realities of Brexit. Preparations have been undertaken by our importers, exporters, hauliers, logistics

companies and ferry companies to ensure that they can continue to move their goods, secure their supply chains and find new routes to market. Trader familiarity with the new formalities is improving by the week. The percentage of movements receiving a green routing, which is to immediately leave the port on arrival, has increased from an average of 50% in the first two weeks of the year to more than 80% now.

Departments and agencies are pulling out all the stops to help. Assistance for traders remains available on a 24-7 basis. Our financial advisory and upskilling supports are also still available. I pay particular tribute to the Revenue Commissioners for working incredibly hard in this space with traders.

Over recent decades our trading patterns have diversified but the UK remains a key trading partner for Ireland, especially for the food and drinks sector and for our SMEs. Ireland has an almost €80 billion trading relationship across the Irish Sea. The CSO trade data for January 2021 shows that imports from Great Britain were down 65% on the same period last year and exports were down 14%. Trade flows with other parties were also down, but not as significantly as those numbers.

While a number of unique dynamics were at play in January such as the end of the Brexit transition period, pre-Brexit stockpiling, and the effects of the Covid-19, there is no doubt that Brexit will have longer-term structural impacts on trade with our closest neighbour. Further time and data will be required before we can draw any firm conclusions on post-Brexit trade patterns and supply chain changes. We continue to monitor developments closely to ensure we are in a position to assist and adapt as we seek to have a strong trading relationship with the UK. Of course, the Government also remains committed to developing new markets for Irish traders. In line with our ambitious Global Ireland initiative, we will open new embassies this year in Ukraine, Morocco, and the Philippines, and a new consulate in Manchester.

It is important we all realise that Brexit is not over. Further waves of Brexit-related change and disruption arising from new UK import controls are coming later this year. This will impact businesses exporting food and agricultural goods to Great Britain. The UK recently deferred the introduction of these controls by six months. It is vital that exporters capitalise on this extra time to prepare as these challenges will be significant.

Our EU membership is essential to addressing the challenges of Brexit. We will continue to enjoy access to the EU Single Market of 450 million people and we can count on support and assistance from our EU partners. Last July, EU leaders agreed to establish a Brexit adjustment reserve to assist the most affected member states and sectors. Ireland can expect to receive a substantial allocation from this €1 billion reserve. Negotiations to finalise our allocation continue and we are pressing for these discussions to conclude quickly so that funding can flow to where it is needed, for example to sectors such as the fisheries sector, which need assistance now.

I now turn to the protocol on Ireland and Northern Ireland. This Government engaged throughout the Brexit process in ensuring that the unique circumstances of the island of Ireland fully taken into account and sensitively addressed. We will continue to be proactive and pragmatic in our approach. The protocol safeguards the Good Friday Agreement, avoids a hard border on the island, and protects the Single Market and Ireland's place in it. What we must deliver now is its full and effective implementation, giving people and businesses across the island much needed clarity and certainty going forward. We need to give Northern Irish business the

space to benefit from the unique opportunity of open access to both the EU Single Market of almost 500 million consumers as well as the British market.

We recognise the challenges Brexit itself has brought for the whole island of Ireland. I am in ongoing and often daily contact with politicians and representative groups for business and civil society across the island, and in particular in Northern Ireland, to listen to their concerns and understand and explore possible solutions together with them. Opportunities exist to reduce many of the burdens arising from Brexit, for example an EU-UK sanitary and phytosanitary agreement could remove the need for many of the checks and controls on agrifood products, if the UK were to decide go down that route. Either party imposing its own will unilaterally will certainly not work. The UK's unilateral actions needlessly damage trust with the EU. Agreements must be upheld and respected. Where actions are taken contrary to the terms of the protocol, a negotiated international agreement, it can be no surprise that legal action ensues, with all that that entails. This is not a space for solo runs, no matter the intent or substance of those actions. For solutions to be effective and sustainable, they must be joint solutions. There is a clear framework for engagement and decision-making that must be respected. Let us not forget that those structures were agreed by both sides only a few months ago.

I encourage the UK to take every opportunity to build trust and re-establish itself as a credible partner for the EU. It is essential that the structures established under the withdrawal agreement are used to resolve existing challenges. We are committed to doing that and to showing the flexibility and pragmatism that may be necessary to resolve outstanding issues that people may have. I am pleased that a specialised committee on the protocol took place last Friday, 26 March, and work continues towards a meeting of a joint committee in the hopefully not too distant future. Agreement on a roadmap towards full compliance with the protocol is a key focus of this process. I acknowledge the positive role being played by the Vice-President of the European Commission, Maroš Šefčovič, his sustained willingness to find solutions and his continued engagement with a wide range of stakeholders on this island. It has been really impressive and he continues to show that commitment.

We will continue to do all that we can to ensure stability and certainty in the operation of the protocol, to encourage and sustain a positive working EU-UK relationship and to ensure that the protocol works in the interests of people across the island. This has been a difficult number of weeks since the start of the year with regard to the protocol. It is unfortunate that the implementation of the protocol and related issues have been a source of tension and polarisation with regard to political opinion in Northern Ireland. We all have an obligation to work to try to reduce those tensions and to rebuild trust and good relations. We can only do that by implementing what has already been agreed and complying with what is now international law, and also by looking in a pragmatic and flexible way at how the implementation can be adapted to recognise frustrations and real difficulties when they occur. I believe all of that is possible but it has to happen with people working together, not acting unilaterally.

Senator Joe O'Reilly: I welcome the Minister and acknowledge and thank him for the determined, skilful and really committed approach that he has taken right through this process, both through the achieving of solidarity with Ireland as Brexit was unfolding right through to the negotiation of the protocol and the avoidance of a hard border, on to the present day. That committed, skilful approach is so appreciated by the people of the country and was necessary in this context.

In the time allowed, I can only do a little survey of some of the main points that occurred to

me, which I would like the Minister to respond to in some instances and just to make them in others. On the protocol, I am encouraged by what the Minister said, that his approach has been to make the protocol work in a sensible, pragmatic way and to achieve an east-west solution. That was my view. In the notes I prepared, I was going to make the point that I thought that in the outworking of the protocol, we should be reasonable, achieve consensus and be there to do that. That is not to say that we are not correct in objecting to the breach of an international agreement when that occurs, but I think that a pragmatic approach is required. That is what the Minister is doing and I commend that continuing.

An issue that is often raised in this House by Senator Ó Donnghaile and which I also wish to raise is the need for mutual recognition of professional qualifications on an east-west basis. I gather that an initiative of the two Governments could greatly accelerate that process and I urge the Minister to begin negotiations to that end. While a number of professional bodies are working through this themselves and approximately ten have achieved it already, an intergovernmental approach would be very helpful here.

As the Minister himself said, our relationship with the UK is of extraordinary importance now. We must maintain the bonds of kinship and friendship as well as the cultural and interpersonal ties that exist, not to mention our trading relationship, which is crucially important. I am proud to be a member of the Council of Europe, one of the bodies of which the UK is also a member and through which we can interact, and of course the British-Irish Parliamentary Assembly provides similar opportunities for interaction. Such interaction remains important, as does our trading relationship.

An issue was raised at a recent meeting of the Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union by the Irish SME association, ISME to which I draw the Minister's attention. ISME representatives said Revenue is debiting VAT and duties due by the importer 30 minutes before port arrival. In cases where the importer has multiple inbound shipments, Revenue may make a deduction which means the importer has insufficient funds to clear a shipment that is 30 minutes from port. The importer can transfer funds during working hours via Revenue's online service, ROS, but cannot do so outside working hours. This can hold up other shipments. ISME suggested that Revenue has offered a solution for this but it is not working yet. While I agree with the Minister that Revenue has done a great job so far and is very committed to finding easy solutions, I ask that this issue be examined. According to a submission from ISME, there is a problem with the payment system, particularly out of hours. It appears that there are some outstanding issues with clearance.

The trade and co-operation agreement is working well but needs to be built on and made to work in a very practical sense. Another issue of concern is the mutual recognition of EU and UK data protection rules. An agreement is in place in this regard that runs until July 2021 but there could be a lot of difficulties after that date at borders and on an east-west basis. I urge the Minister to engage on a bilateral, intergovernmental level to resolve this issue. We were part of a single data protection area when we were all in the EU so it should not be too difficult to continue a working arrangement.

It is worth noting that there has been growth in our trade with Northern Ireland in the first quarter of the year, which is a great by-product of Brexit. Imports from Northern Ireland increased from €137 million to €177 million and exports to the North increased from €170 million to €190 million. That trading relationship is very important. As the Minister said earlier, it is vitally important we keep the North-South trading relationship strong and we protect the

Good Friday Agreement.

Another issue that has arisen at the aforementioned Seanad select committee is the potential for increases in the price of bread which, while affecting everybody, will hit the poorest in our communities the hardest. The problem is the milled flour for bread is being imported because we do not have sufficient flour milling capacity in Ireland. The price of bread is potentially an issue and this must be addressed on two fronts. We must increase our domestic flour milling capacity and reach some sort of international agreement to get over the problem.

The question of the reunification of the country arises and was debated very recently on “Claire Byrne Live”. I remember engaging in a school debate on this question as a youngster. I won that debate on the basis of saying that what was needed was a reunification of hearts and minds and not just territory and fields. We should be considering the reunification question and how we can establish areas of co-operation. A simple suggestion I have always made, which is not the Minister’s direct area of responsibility although I would appreciate it if he considered bringing it to the Cabinet, is that we should make it a condition of sports capital grants and all sorts of grants that they have a North–South dimension. Thus, a club receiving a sports capital grant here would interact with a club in the North, even just once or twice in the year. It would not have to be often but enough to establish a normal North–South relationship in both directions.

A beef farmer in Ireland is getting €300 less than a beef farmer in the UK for the equivalent animal. There is now a kind of nationalism in the UK associated with the eating of UK beef. It is a concern. In the context of Brexit solidarity funding, etc., our beef farmers will need support. Our dairy farmers will also need protection to ensure they do not suffer later on. It is important in the context that we protect our farmers.

I would like the Minister to comment in his reply, if he does not mind, on the prospect of EU solidarity funding and supports that we could use to deal with vulnerable sectors, even the milling and flour sector, so we could in some way compensate those affected.

I thank the Minister for being present.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire. Since 2016 we have been caught in the middle of what, for many, has been the Brexit nightmare. Its prevalence in the public mind has been more or less continuous. Obviously, Covid-19 changed that somewhat but Brexit has never fully gone away and we continue to deal with its fallout. As an issue, it deserves much thought and constant attention, now and in the future. Here in the Republic, we have gained a growing appreciation of the fact that while we are not quite serving two masters, we are seeking to keep two friends. Our membership of the EU mandates support for the associated law, yet our irreplaceable trade links with the UK mean we cannot afford to place a foot wrong in either direction lest we step on some toes. All of that is in addition to the unique challenges presented by the fact of there being two jurisdictions sharing this island, with one no longer bound by EU law although still within the Common Market.

While we spoke earlier in this House about the vaccination programme, I did not get to welcome any supply of vaccines that we might obtain from our neighbours in the UK. We should, of course, seek new supplies wherever we can get them at a fair price and in a way that is ethical and does not result in vulnerable people in other countries going without the vaccine, which we should always keep in mind. I was surprised and disappointed by the reticence of the leader of

Sinn Féin on this issue yesterday. Others have said, and I have often said, that when it comes to Brexit, an anti-British mentality and an associated style of rhetoric directed at the UK should have no place in our politics, yet there is still plenty of it around, latent or otherwise. The UK Secretary of State for Health, Mr. Matt Hancock, has said that Britain does not currently have surplus Covid-19 vaccines but will consider how they are allocated as they become available. Our Minister for Foreign Affairs has said he would be very interested in talking to the British Government about that, which is a position everyone should support. Given that the UK remains on course to offer a first dose to all of those aged over 50 in the UK by 15 April and all adults in the UK by the end of July, it is very plausible that the UK will have surplus vaccines that we could avail ourselves of in this country. We should be trying to plan for that now so we will be ready to receive and distribute them when the time comes.

I find it remarkable that in much of the talk about Brexit, it has been portrayed fairly constantly in this country as Britain shooting itself in the foot, acting against its own national interest and being unable to let go of its vision of its past glory, so to speak. In the fullness of time, maybe Brexit will turn out to have been a big mistake for Britain, it will be the end of the union, and Boris Johnson will end up as king of Wessex, turning the clock back 1,000 years, but there are times when one believes the British could just make a go of this. The United Kingdom has shown remarkable resilience. Certainly, its speed in moving to get adequate supplies of the vaccine and its efficiency in distributing the vaccine is something we should admire. We should give credit where credit is due.

I thought there was something of the “Cool Britannia” in recent developments. It would certainly be a diplomatic masterstroke if Britain was to make vaccines available to this country. It would do much to improve relations between our two islands at a time when they have been under strain for obvious reasons, largely through no fault of ours. There was something of the “Cool Britannia” about this and perhaps something of the “Cruel Britannia” about the way the UK has interacted with the European Union on occasions in this matter as well.

I believe the suspension of the use of the AstraZeneca vaccine was poorly handled. I cannot help but take the view that Brexit had as much of an impact as any perceived danger from the vaccine itself. I have looked at the figures relating to those at risk of developing a blood clot and the understandable concerns about that. However, when we look at the figures and the claimed incidence of blood clots, we have to wonder whether there is something more going on. The inevitable slowdown in the rate of vaccination and the damage to public trust in the vaccine generally will sadly lead directly to deaths that could have been avoided. One concerning question is whether the European attitude to this had something to do with the idea that it was a British-driven project trumpeted by the UK as an example of its ability to thrive outside the EU. Did that lead to a latent hostility towards that particular vaccine and, as a result, cause a knee-jerk reaction? That is a question we need to engage with honestly.

We should have regard to the attitudes and actions of the European Commission in recent months. I regard myself as someone who is pro-European albeit not uncritically so. There are many things about the EU project that I have had a problem with in the past and that I continue to struggle with. I am a person who is in favour of our membership of the European Union and the great benefits it has brought our country. However, I struggle sometimes to love the EU and the way it does business. The handling of the AstraZeneca issue was one example. Its handling of the vaccine roll-out more generally is another. I note Austria and Denmark have already broken ranks with the EU. They have said they will not rely solely on EU channels in future and will work with Israel to develop second-generation vaccines. This prompts the question of

whether we too need to take a more independent line than we always do. I know it is difficult as a small country and I know we rely on the support and solidarity of the EU as we deal with our economic and other challenges.

In three days' time, on 1 April, further new UK trade import requirements were scheduled to come into effect as per the Northern Ireland protocol. Despite the date, the controls are no joke. Pre-notification to the UK authorities of all consignments of products of animal origin entering Britain were to be required and these had to be accompanied by veterinary certificates or export health certificates, over 350,000 of which will be required per annum according to estimates from the Department of Agriculture, Food and the Marine. Obviously, that will not happen at this point. The UK Minister for the Cabinet Office, Michael Gove, has postponed the increased import requirements until 1 October. That move has been welcomed by some but not others. Our Minister for Agriculture, Food and the Marine was pleased, saying that Irish exporters should maximise their use of the additional time to prepare in a comprehensive manner for the next phase of Brexit.

After that date, the second slew of import controls will come into effect three months later in January 2022. While the postponement of these requirements may be a boon for Irish trade, it must be pointed out that there is an issue in respect of contravention of the protocol which was agreed by both parties. We know about the European Commission and the infringement proceedings that have been launched. Northern Ireland is in a legal limbo. Do the supermarkets and food suppliers there abide by the EU's imposition of import requirements or by the UK's postponement of such? In many ways we find our Government having to play the part of interpreter between the British and EU sides. While we must honour our EU membership by upholding the rule of law, the more time we have to prepare for costs associated with Brexit red tape around trade, the better.

I am keen to touch on the issue of farming. I note Ciaran Fitzgerald said in his *Agriland* column last week that mainstream media's consciousness and representation of agriculture rests solely these days on the characterisation of agricultural output in terms of carbon emissions or environmental impact. We must remember the hundreds of thousands of jobs supported across the economy by agriculture. We produce food for the equivalent of 40 million people. It is absolutely vital that the Minister for Finance, Deputy Donohoe, is successful in his engagement with the Commission in fighting for the lion's share of the Brexit adjustment reserve. The €1 billion portion of that fund allocated to this country will be badly needed when those trade barriers eventually kick in.

Senator Lisa Chambers: I welcome the Minister. We are only three months into this new Brexit environment but it feels much longer. It is fair to say that a lot has happened in the short few months that the EU-UK Trade and Co-operation Agreement has been in operation. There is still a bedding-in period to go yet. There will inevitably be further teething problems.

I take this opportunity to relay some of the thoughts, ideas and challenges brought to the Brexit committee, as well as the difficulties that different stakeholders are having with the new system. There are areas where the State can assist in making life a little bit easier, particularly for those trading in this new environment. The committee had good engagement with US Congressman Richard Neal, Chairman of the House Committee on Ways and Means. That was timely towards the end of last year when things were a little challenging, as they have been on many occasions throughout the Brexit process. It was very good to be in the Seanad Chamber with our colleagues and to have Congressman Neal relay in very strong words his support for

the protocol, the Brexit agreement and the Good Friday Agreement. That support from our friends across the water is always welcome and really helpful.

The committee also heard from Mike Russell, a Member of the Scottish Parliament and a representative of the Scottish Government. In some ways, Scotland has had many of the difficulties we have had with trade, access to the land bridge and getting goods in and out of the country. The Scots have faced some of the challenges that we had as well. It was good to engage with Mike Russell, the Scottish Government representative, to see what we can learn from one another and even just to have that solidarity in dealing with what is a difficult situation that nobody really asked for but we have had to deal with.

The committee engaged with the Northern Ireland Executive's committee. Its members attended our committee meeting and then we, in turn, attended theirs. That was a really positive engagement between the two Parliaments and among colleagues, North and South. Many of these issues are all-island ones and we have to work together to resolve them.

There were no unionist representatives at the meeting we hosted, which was disappointing. That disappointment was expressed by members. All of the committee members and I, as Chair, are eager to ensure when we produce our report in the summertime that we will reflect that difference of views from a significant community in a significant part of this island. When we reciprocated and attended the Northern Ireland committee's meeting, there was an independent unionist voice present. He said he was almost there but not quite on that side. We did get a different perspective and it was a different way of looking at the situation. It was good to hear it and that we reflected on it. Sometimes we can be in an echo chamber all saying the same things on Brexit but there is a large community with a very different view on what has happened and what is going to happen.

The issue which has cropped up for many of the stakeholders is that relating to customs and practical matters like getting goods in and out, the extra paperwork, as well as the cost of transport. One aspect the committee will be exploring in the middle of May will be the challenges being faced at Dublin Port and Rosslare Europort in the context of the HSE, Revenue and the Department of Agriculture, Food and the Marine working together to make life a little bit easier for traders. There are all of these extra checks in place. For example, we have heard from the Irish Road Haulage Association and Dublin Port that the three different agencies are located in different places. One can be moved from pillar to post and delayed leaving the port. That is just making life difficult for the hauliers and for the businesses with goods on board. There is a job of work to be done in getting those three organisations to work better together and to streamline their IT systems. We have been told that the Department of Agriculture, Food and Marine is still looking for the production of actual paperwork, which in this day and age should be digitised to make life easier for those working in that sector.

We heard from representatives of the ESRI. Regardless of the committee before which they appear, they are always interesting witnesses to listen to and they give an objective overview of what is happening. One of the most poignant points Dr. Barrett made when he presented to the committee was that the Northern Ireland protocol presents a unique opportunity for Northern Ireland, but if it is removed, the opportunity will be gone. I am paraphrasing slightly, but that is the essence of what he told the committee.

It is important that we persuade and send the message that the protocol is a good thing that protects the Good Friday Agreement and ensures there is no hard border on the island of Ireland.

In addition, there is a trade opportunity for the North, which now has access to both markets, the best of both worlds. When I said that previously, other parties and Members did not quite see things that way. However, that is my view and certainly the view the ESRI also expressed.

Senator Joe O'Reilly spoke about the data protection issue. Representatives of the Data Protection Commission are also to present to the committee. They have raised concerns over the transfer of data between the UK and Ireland. The UK now being a third country poses significant challenges in maintaining that data flow. The deadline is 30 April, but we are confident, as is the Data Protection Commission, that it will be extended to 30 June. Beyond that, we need to ensure that those data flows can continue because that is how the world works now. It would be good to get some clarity on that.

We had a very interesting engagement on the cross-border treatment directive with PDFORRA, Kingsbridge Hospital in the North and the HSE. As Members will be aware, the cross-border treatment directive facilitates people in the Republic to avail of healthcare in other EU member states. That used to include Northern Ireland but does not anymore. There is a sticking plaster, if I can call it that. There is an administrative system in place just for this calendar year to facilitate people in the Republic accessing healthcare in the North. We need a longer-term solution to that.

Remarkably, PDFORRA has set up its own system for members of the Defence Forces. To access the cross-border treatment directive, someone must pay the hospital upfront and then get reimbursed by the HSE. Many people do not have access to that kind of money or would need to go to a lender. Many older people, in particular, do not like to do that. PDFORRA has very cleverly put in place a system allowing it to pay the cost upfront with the individuals paying it back when they are reimbursed. If there is a shortfall in what the HSE pays, PDFORRA will meet that shortfall. It is looking after the members within its own organisation. It is a fantastic example of an organisation that has got around the barriers that have been erected to people accessing this service.

I make one plea on that. As healthcare between North and South is no longer bound by the cross-border treatment directive, let us improve on what is there. Let us remove those barriers. We should not expect people to cobble together €5,000 or €10,000 to access treatment if we are going to give it back to them anyway after they get it done. Let us find a way of replicating what PDFORRA has done for members of the Defence Forces to facilitate people to access that healthcare because they are doing it anyway. Out of sheer desperation, people are begging, borrowing and stealing to try to get that money together to access it. We can improve on that situation.

It is important that we look after the protocol and maintain it. It is important that we listen to the significant number of people in the unionist community. For them, this is an affront to their identity and to their being in their own country. We need to listen to that and find a way around it.

We have a longer-term body of work to do relating to democratic oversight of the long-term implementation of the trade and co-operation agreement to ensure that this Parliament and the European Parliament have oversight over the operation of the agreement into the future.

Senator Mark Wall: I welcome the Minister to the House. I again put on record my thanks to him for the considerable work he has done on all the details of the complex Brexit issue. I

take the opportunity to thank the Chair of the Seanad Select Committee on the Withdrawal of the United Kingdom from the European Union, Senator Chambers - although she covered my entire speech in her latest contribution - for the varied and detailed engagements on all matters related to Brexit, mainly the challenges and problems. Perhaps we could concentrate on the opportunities. There are opportunities and it is important to state that today. The Minister acknowledged in his opening remarks that there are opportunities arising from this major challenge for our country.

The Seanad Special Select Committee on the Withdrawal of the UK from the EU met and questioned representatives of Enterprise Ireland today. I was heartened to hear that its programme to diversify trade to our EU partners following Brexit saw a growth in exports from €4.1 billion to €5.6 billion in 2019. That is something Enterprise Ireland is continuing to develop. I am sure the Minister will agree it is important that Enterprise Ireland is supported in its growth as it identifies and supports companies that can export into non-EU markets and ensures that our country has a range of balanced export markets. That will be important.

It is also important that we ensure that the 31% of our country's total exports that go to our nearest and biggest market is maintained. Our conversations with the various trade and business representatives over the past number of months have continued to bring up a number of problems, many of which seem, unfortunately, to be home grown at this early stage, as has been stated. It was also encouraging to hear that in recent surveys by Enterprise Ireland, 83% of Irish companies identified growth potential and opportunities in the UK, showing the importance of our trade with our nearest neighbour and that it needs to be maintained, as I said before. That is positive.

Other Members have already mentioned the challenges and discussions we have had with Irish Small and Medium Employers, ISME, and the Irish Road Haulage Association at the Brexit committee. As others mentioned, there are issues surrounding the number of agencies currently involved in our export and import contracts, particularly at our ports. Those are causing problems. We have been told that the delay caused by the amount of paperwork is costing Irish business. We are asking for a quicker and more economical way to complete these transactions. There must be a better way for State agencies to interact with each other. I ask the Minister, as others have, to investigate this issue and ensure the additional paperwork that these businesses knew was coming runs in a smoother and more timely manner.

I will raise a matter I also raised in our most recent discussion on Brexit, that is, the cross-border health directive. Senator Chambers outlined the situation and I want to go through it again with the Minister. The most important thing is the need for a new permanent solution to be put in place for the many thousands of Irish people who avail of the health services in the North of Ireland each year. I am sure the Minister, as Minister for Defence, is aware of the PDFORRA medical assistance scheme, PMAS, which was described in a recent session the Brexit committee had with the Department of Health and the HSE as an "excellent scheme". PMAS was set up by PDFORRA in 2018 due to continued lack of investment and, indeed, withdrawal of medical services available to members of the Defence Forces. PDFORRA set up a separate company that will operate the scheme which previously used the cross-border health directive to provide medical treatment to members of PDFORRA for a subscription of €1 per week. To date, PDFORRA has invested €150,000 to establish the scheme and support injured members. Since 2018, the PDFORRA company has sent nearly 255 members to Kingsbridge Hospital, Belfast, for treatment. This has had a twofold benefit in that it has removed members of the Defence Forces in the scheme from public waiting lists and, most importantly, it has allowed

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serving members to return to work quicker, thereby, of course, assisting the Defence Forces in retention and allowing for overseas service and promotion. The impact of Covid-19 has now created a waiting list of a further 60 members who are awaiting referral.

I asked the Department on the day of our engagement what was the socioeconomic background of those availing of the previous directive and the interim one that is in place at the moment. The HSE stated that it does not collect that type of information simply because it does not have the right to do so. However, when HSE representatives talked to patients, their opinion was that the majority of them were from the middle and lower-class groups. They stated that, in the main, they do not have health insurance and almost all of them are borrowing the money from credit unions, banks or relatives, as has been said here this evening. The HSE stated that the two main providers of the money are relatives and credit unions. That is where the patients are getting the money for treatment. Officials gave examples of those availing of the scheme as being in their 70s or 80s, living in rural areas with no access to services and usually on a long waiting list. We were told by representatives of the HSE that a patient such as that would be waiting two, three or four years to access a cataract operation. As was said, such a period out of one's life at the age of 70 or 80 has a huge impact and would affect the quality of life. In fairness, patients also outlined that once their procedures were carried out, they were able to drive again, regained independence and could live their lives once again. It had a huge impact on them, they went on to say. The other patient, typically, is a person with Covid who tends to be a tradesperson, for example, a carpenter who has knee or hip pain, is off work because of Covid and is using the opportunity to access healthcare while it is not interfering with his or her ability to work. They are the two types of patients referred to in our conversation and they are not the higher socioeconomic group of patients.

The Northern Ireland planned healthcare scheme is an interim scheme to replace the EU cross-border directive. Given the importance of it to those I have outlined and the desire of PDFORRA to extend this scheme to the families of members of our excellent Defence Forces, I ask the Minister to commit this evening to support the extension of this scheme. I am informed the interim scheme is working well, thanks to the excellent staff operating and administering it, I am told, but there is still no word on an extension of the scheme by the end of this year. It is in this regard many would welcome the support of the Minister for Foreign Affairs, Deputy Coveney, and the Government.

I would like now to raise a number of other issues raised with me over recent months. I am hearing locally that, owing to the stockpiling of goods or logistics and paperwork, many local businesses are seeking replacement complementary products as they fear they may run out of product or may not have it on time. From the local dentist to the manufacturing plant there is concern that Brexit will have serious implications for their businesses and customers. In light of discussions we have had in committee and the fact that the UK is not due to implement its procedures for a number of months, I would appreciate it if the Minister would comment on those fears and outline what preparations Government is making for the procedures which the UK is due to implement in the coming months. This was a concern among the business organisations we spoke to over recent months. Is the Government preparing for the difficulties that will arise when these procedures are put in place by the UK?

During my recent engagement with the agencies they all commented on the opportunities that may arise from Brexit, particularly around foreign direct investment. Many commented they thought Northern Ireland would be in many cases a better area to locate such investment given the access to both markets that that part of Ireland enjoys. I would appreciate it if the

Minister could outline what the Government proposes to put in place to examine this potential. Even if this investment is in the North, I am sure that with continued co-operation, it will benefit the Border counties. As much as Brexit is a threat, we must examine the opportunities that exist or may arise and Government must be ready.

I thank the Minister for his time and I wish him well in the work that is needed for all of the reasons outlined by Senators.

Senator Niall Ó Donnghaile: Cuirim fáilte roimh an Aire Stáit. Táim buíoch go bhfuil seal againn leis an ábhar seo a phlé. I welcome the Minister. I am glad we have the opportunity to hear from him as well as the opportunity to discuss some of the very important issues that pertain, which colleagues have rightly raised in this debate.

Brexit is the product of a project of collaboration between the DUP and the British Conservative Government that has lasted more than four years. Despite the rather hollow and hypocritical howls of protest from the DUP and others about the so-called border in the Irish Sea, Brexit and its consequences are to be owned by those who drove them. The campaign to leave the EU was championed by the DUP and right-wing Tory Brexiteers. They did so without consideration of the political, economic and social implications for Ireland and our peace process. The EU was integral in supporting and underpinning peace in Ireland. Joint membership of the EU by Ireland and Britain, and in particular joint access to the Single Market and customs union, enabled many of the rights and freedoms of peace to be realised. Despite this, the implications for the peace process of the withdrawal of the UK from the EU played no significant role in the Brexit campaign. Instead, withdrawal was backed by some of those supposed to support and protect our peace process.

The people of this country and in the North thought differently. Brexit was rejected by the people of the North in 2016. It was rejected by the North's Executive and Assembly. Despite the majority of people and their elected representatives in the North rejecting Brexit, the DUP, in partnership with the Conservative Government, embarked on trying to withdraw the North from the EU, a key institution in uniting the people of the North and South. That great party of unionism, the DUP, who lectured anyone and everyone who was foolish enough to listen to it about the importance of the ballot box and democracy, engaged in an undemocratic campaign in its failed attempts to undermine the expressed will of the people of the North. Against the will of the people and the will of the North's Executive and Assembly, against our express democratic will, the DUP supported every effort the Tories made to take Britain and the people of the North out of the EU. After years of negotiations, the Irish protocols were agreed alongside the wider EU-UK withdrawal agreement, which mitigated the worst consequences of the right-wing DUP-Tory Brexit agenda. The Irish protocol provided the mechanics to avoid a hard border in Ireland. The protocol not only allows for unfettered trade to continue between the North and South but also allows for the North's continued access to the EU market and the opportunities that come with it. As for east-west arrangements, the protocol also avoids the need for unnecessary customs duties on goods moving from Britain into the North.

The protocol has successfully tailored all the interests of the parties and created the best opportunities for business to carry on largely unhindered, yet the Brexiteers, the very people who required its existence in the first place, are attacking it. The principal target has been the so-called Irish Sea border, referring to the need for paperwork and checks on certain goods moving from Britain to the North, yet the sea border is the direct product of Brexit and all those who championed it. It was not inevitable, as the Minister knows. This is a clear case of the more

local Brexiteers having to reap what they sowed with the English Tories. The need for red tape anywhere was caused by Brexit and the rejection by the DUP and the Tories of sensible proposals on access to the customs union. Contrary to the now changed DUP narrative that the protections of the protocol and continued access to the EU Single Market offer a unique opportunity to build and develop new all-Ireland trading opportunities while minimising the negative effects of Brexit, the Minister will remember that the DUP, along with every other right-thinking person, acknowledged the opportunities the protocol presented. That has perhaps changed, however, with the findings of recent opinion polls in the North.

While trading between Ireland and Britain is in decline, trade across Ireland has been increasing, as other Members have indicated. In January, trade going south increased by 10% as trade going north increased by 17%. Supply chains have already begun orientating towards the all-Ireland model. Hauliers north and south of the Border have shifted towards using direct ferry services from Ireland to the European Continent in order to avoid the British land bridge and the associated red tape. The surge in demand has been mirrored by an increase in supply services offered at south-eastern ports, increasing from 12 per week to over 40 since the end of the transition period.

The changing trading arrangements imposed by Brexit present opportunities to deepen North-South co-operation in terms of trade and economic and social progress and to bring investment and jobs. Central to this is the full implementation of the protocol and the protections it contains. It did not matter to the DUP or the Tories that the consequences of Brexit would damage the economies of this country and would add to the economic difficulties presented by the pandemic. Now the EU, the Government here, the North's executive, business people and the workers of this entire country have to ensure that the EU-British Government deal, the withdrawal agreement and the Irish protocols are fully implemented to minimise any potential damage caused by Brexit to Ireland's two economies.

At two levels last week, Ireland's constitutional future had a particular focus. On national television and various other platforms it was being debated while others were bringing forward ideas and proposals to protect and develop Ireland's economies despite the problems created by Brexit. Dublin Port Company published a series of discussion papers to contribute to the consultation process on increasing the long-term capacity of the port between 2030 and 2040, including moving the port to Bremore, County Dublin, which would mean additional capacity required elsewhere and would open up other port locations along the eastern corridor, namely, Rosslare, Drogheda and Waterford. The Tánaiste, Deputy Varadkar, and the executive's finance minister, Conor Murphy, joined representatives from eight councils, including Dublin and Belfast and all in between, to discuss a report jointly prepared by Dublin City University and Ulster University on developing the eastern corridor as an economic powerhouse. It has to be business as usual for the people of Ireland, North and South, as they develop all-Ireland plans to minimise the impact of Covid-19, Brexit and partition. I agree with the Minister, Deputy Coveney, that legally binding agreements must be upheld and implemented fully - and that does not pertain just to the two we deal specifically with tonight - and that solo runs serve no one. Problems, whether perceived or actual, should be dealt with around the committee table.

I thank the Minister. I have been asking for these statements for some considerable time and, while appreciating that this is a live dynamic and it is not always easy to come in and give a fully comprehensive report, it was important we had the opportunity to discuss this before Easter.

8 o'clock

I appreciate the Minister making himself available to the Seanad as he very often does and, indeed, the Leader facilitating my request.

Other colleagues have regularly said that, in the context of the pandemic, we have perhaps taken our eye slightly off this at a political and institutional level, for understandable reasons, but the work goes on. That is not to do down the sterling work of the Seanad Special Select Committee on the Withdrawal of the UK from the EU and our chairperson. The need to protect the protocols and the withdrawal agreement by the Minister, his colleagues in the Executive who wish to do so and, indeed, colleagues across the EU, is of vital importance as we steer our way through the unwanted consequences of Brexit and the dangers posed to our economies as a result of the pandemic.

I wish the Minister well in his endeavours. He has very willing colleagues on this side of the House in ensuring that we work to uphold those agreements.

Senator Frances Black: I also welcome the Minister to the Chamber. We appreciate that he has made himself available. I also want to express my gratitude for the phenomenal work he has done on Brexit on behalf of the people of Ireland. It has been brilliant and we appreciate it.

There has been much discussion about the impact on our country of the withdrawal of the UK from the EU. Most of the discussion has been centred on the economic impact of this withdrawal but issues such as education and health have also come to the fore. It is vital that we maintain common standards and approaches across the entire island in key areas such as environmental protection, healthcare, education and human rights. This is particularly clear when it comes to the environment. The UK is no longer bound by key EU environmental directives post Brexit and this has caused a great degree of uncertainty. Environmental issues, by their nature, transcend borders and there is a big overlap on issues like biodiversity, waterways and air quality. We need a co-ordinated, consistent approach across the island, treating it as a single biogeographic unit and realising that our rivers run across borders.

An all-island approach must be taken for human rights protection as well. At present, the European Convention on Human Rights applies in both jurisdictions and this should be maintained. It would be regressive and unsustainable to remove rights currently enjoyed by people living on the island. With the UK withdrawal from the EU we have to ensure they are not placed with a Bill of rights that is watered down and less far reaching. We simply cannot row back on people's rights. Human rights protections must be equivalent on both sides of the border. This is outlined, as the Minister well knows, in the Good Friday Agreement and we need to maintain it. On rights and equality, it is worth remembering that the Northern Irish protocol contains no diminution guarantee. It is vital that this is effectively implemented in the North. There still seems to be a lack of awareness around it. I also look forward to seeing the human rights and equality institutions on the island working much more closely together in the future.

There was a real concern among disadvantaged third level students in the North that they would no longer be able to avail of the Erasmus+ scheme to study in Europe. However, I welcome the Government's arrangements to enable students of relevant institutions in the North to have continued access to the programme. It means that third level students in Northern Ireland have access to programmes no longer available to their counterparts in England, Scotland and Wales.

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The Covid pandemic has brought the health service, North and South, into focus. The shortcomings of both systems have to be addressed. It is essential that there is a unified health service for the whole island. The planning for this needs to be undertaken as soon as possible. The roll-out of the Sláintecare model all over the island should be researched and costed.

Brexit will create challenges and opportunities for the Irish economy and Irish-based businesses. Some immediate challenges have emerged as companies deal with the reality of the new rules and paperwork. The withdrawal of the UK has resulted in problems for Irish exporters and importers who previously used the land bridge. While new ferry routes to Dunkirk and the expansion of the services to Cherbourg from Rosslare are welcome, sidestepping the land bridge is not possible yet. Hauliers, wholesalers and retailers are struggling with the new complexities when it comes to important goods going across the land bridge or direct from the UK. This has led to drivers being stuck at customs and food safety inspection bays at Dublin Port for days on end.

Brexit has initiated a process of divorce by those in the Irish retail sector from their UK partners. It is easier to import directly from the EU rather than routing through the UK. However, the buying power of Irish importers is likely to be much less than that of UK firms. In addition, the cost of setting up totally separate distribution streams is significant. The results are likely to be less choice and competition and higher retail prices here.

Besides the challenge of increased trade friction with our largest trading partner, opportunities could emerge in many areas. For example, new foreign direct investment projects that would have historically looked to the UK as an English-speaking base in the EU may now consider locating in Ireland.

An unexpected issue that has gained real prominence in discussions is the constitutional status of the North. A majority of the people in the North voted to remain in the EU and have been taken out of it against their wishes. The conversation on reunification of the island has taken on an energy like never before. Thankfully, the assertion that is discussing Irish reunification is divisive is being discredited.

The Taoiseach's shared island unit is to be welcomed. However, there is an urgency in planning and preparing for the inevitable Border poll. I am heartened by the call from Fianna Fáil's Deputy James O'Connor, who represents Cork East, for a special Minister for State to be appointed to co-ordinate the work of the unit. As Fianna Fáil's Deputy Jim O'Callaghan said in his address to Sidney Sussex College in Cambridge last week, a huge responsibility rests on civic groups freed from the constraints of party politics to propose, discuss and debate what a new Ireland may look like and how it may operate. However, I am concerned that civic society is moving faster than the political parties and that the research and planning that can only be undertaken and funded by Government will not be ready for the electorate to make an informed choice when a referendum is called. I am also concerned that the Secretary of State for Northern Ireland has the power to call a referendum at any time, but is not prepared to divulge the criteria he will use to make this decision.

An issue that seems to worry some publications in the South is the threat of loyalist violence. The latter is a concern. The threat of violence should never halt the legitimate discussion on the constitutional future of this island. If it does, then I believe the Good Friday Agreement is not worth the paper it is written on. Brexit was supported by many who are now objecting to the implementation of the Northern Ireland protocol, which was a direct result of leaving the

EU. The Good Friday Agreement, a fantastic agreement, allows the people of both jurisdictions on this island to democratically decide the constitutional future of the island. Many of the issues resulting from the withdrawal of the UK from the EU were addressed in the withdrawal agreement. If the terms of this agreement are adhered to the problems that are now being experienced can definitely be resolved.

I again thank the Minister and his Department for all of the great work they have done. I wish him well in continuing with that.

Senator Malcolm Byrne: I thank the Minister for coming before the House and I echo the comments of others in thanking him for his commitment on this rather tricky issue. I also thank all of the officials in the Department of Foreign Affairs and other Departments for their work in this area.

Some of my colleagues have already covered a number of the issues involved. At the Brexit committee, I raise four issues on a regular basis, namely, data, flour, the question of Rosslare Europort and education. On a previous occasion, I raised the issue of data protection with the Minister. It is an issue that does not tend to get the same level of attention as other issues in the Brexit debate. As we know, there is a draft adequacy decision to the effect that the data rules in the UK must be adequate to match those of the EU. I am concerned, however, that if at some stage in the future the UK's data regime does not remain in line with our data protection laws or that if the UK were to breach fundamental rights concerning the handling of personal data, it would lead to a suspension. This is not just about the interruption that will happen to business with data flows back and forward - the estimated cost here could potentially be more than €1 billion. There are also implications with regard to sharing sensitive security and law enforcement data. This is a concern, particularly knowing the issues on this island around the need in certain circumstances to share particular information about security. It is important.

Oliver Dowden, the Secretary of State for Digital Culture, Media and Sport wrote recently in the *Financial Times* that the UK now has the freedom to strike out on its own in international data partnerships with the world's fastest growing economies. Depending on the UK Government's attitude, I worry whether we are sufficiently prepared if the UK diverges and whether the Data Protection Commission has all the resources, with all the other work it has to do. As colleagues have said, every four years the adequacy decision will expire and this is something we need to address.

The importation of flour and the rules of importation has a direct impact on consumers. It could add 9% to the price of bread or bread products. In light of that, we need to examine import substitution. I hope that some of the resources from the Brexit adjustment reserve fund could be used perhaps to set up our own mills but certainly to address some of the concerns around import substitution.

Senator Black just mentioned Rosslare Europort. It is finally booming. It is now our nearest point to France and the EU. There are 36 weekly direct services linking Rosslare and continental Europe. I ask that we move towards granting Rosslare tier 1 port status, that it is recognised for the national contribution it is making and will continue to make. As part of the review of the national development plan it ought to include the completion of the M11 motorway from Oilgate to Rosslare, as hauliers and others raised regularly with the Brexit committee. It is an absolutely essential piece of infrastructure, not only for County Wexford but also nationally.

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Education is one of the areas where Brexit provides an opportunity. Others have spoken about Erasmus and particularly the Government's generosity towards students in the North but there is also an opportunity to attract a greater number of Erasmus students from continental Europe to study here in Ireland. There are issues around capacity in student accommodation and other issues but it provides a real opportunity for Ireland. We need to further explore higher education links with continental Europe.

The Minister mentioned how we continue to expand our role internationally with new embassies in Ukraine, Morocco and the Philippines, as well as the consulate in Manchester. These are very welcome. All this has taught us why it is important for Ireland to continue to be at the heart of the European project. I am proud to be Irish but I am equally proud to be European. It is a message that we need to continue to spread. Our soft power has been very much on show in recent years. Globally, the EU will play a major role in facing some of the world's challenges. I commend the Minister on his work and wish him well in everything he has to do in the months ahead.

Senator Martin Conway: As the Minister knows well and has often said, Brexit is not good for Ireland at all and nor is it good for Europe. The Minister's steady steering of Ireland and the key role he has played with our European colleagues in softening the blow of Brexit is commendable. He has done this country and Europe enormous service in his calm, sure-footed approach to dealing with a tricky, complex and difficult issue that will, if not done right, have long-term implications for the country. At least we can minimise those implications. I listened to Senator Byrne and others talking about flour. There is a case to be made. It will be an issue because it is likely to increase the price of bread, which is a key consumable, by 10% or 15%. We will have to consider alternative suppliers or developing mills and producing flour ourselves. These trade issues will not be resolved overnight, but they will be in due course with proper Government intervention. I have no doubt that the Government is working on them.

We have discussed the negatives and challenges. A variety of areas face challenges that were probably not expected, but the unexpected was always going to appear after Brexit. Car importers are experiencing significant difficulties. Many of our cars come through the UK, including second-hand models. Not everyone can afford to buy a new car. However, there is a commitment at Government level to working through and resolving such problems. The whole-of-government approach to Brexit is appropriate and welcome. It has moved seamlessly from the previous Government to this one. Brexit is a political issue, but not a political football and everyone in the Chamber is on the same page when it comes to cushioning the effects for our citizens as much as we can.

Senator Black spoke about Deputy O'Connor's proposal for a Minister of State over the all-Ireland unit in the Department of the Taoiseach. A positive element of the programme for Government was the setting up of that shared island unit. There is a case to be made for considering the appointment of such a Minister of State, albeit perhaps not immediately. It could be done in this Government's lifetime. For a long time, there was a Minister of State with specific responsibility for Northern Ireland. Northern Ireland is within the remit of the Department of Foreign Affairs now, but that ministerial role could be reconstituted in terms of a shared island and building relationships and understanding on the ground. For example, a great deal could be achieved through connectivity in the arts, sport, entertainment, fashion and tourism. We share an interest and commonality in more areas than we differ on. Education is a key component in that regard. I welcomed the announcement by the Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, that the Government would fund students

from the North who wished to participate in the Erasmus+ programme. That programme has enriched many people of various ages. They learned a great deal from participating in the programme. Making that opportunity available to every young person on the island of Ireland is an example of the importance that we place on education and our realisation of the benefits of education.

I wish to flag a couple more issues for the Minister. First, it would be great to have him back in the Chamber after Easter to update us on the work that Ireland is doing on the UN Security Council. We need to be updated on that work constantly during the two years we hold that very important position. Second, the military coup in Myanmar saw 100 people slaughtered over the weekend. That is appalling. We cannot just issue statements expressing our horror. We have to use our influence in the world, in particular through the UN Security Council, to do something about it. It is clear that there will have to be international interventions, and not just sanctions. There will have to be serious interventions to deal with this affront to democracy, which is happening before the world's eyes. The world has to do something about it.

Senator Garret Ahearn: I welcome the Minister to the Chamber and thank him for the work he has done not only in recent months but also in recent years. It has been a really difficult time over recent years for anyone in business with the uncertainty of Brexit and what that brings. Anyone who thought that uncertainty would end when Brexit was agreed was incorrect, and uncertainty continues. In my constituency, in a town like Clonmel there are an awful lot of small to medium-sized businesses that trade with the UK on a range of products. Bulmers does an awful lot of trade within the UK and has people working over there and in Ireland. The complications it has experienced post Brexit have been huge, and anything it ever imagined they would be before Brexit happened, they are ten times more in terms of workload and complications.

I have been working with my colleague in Clonmel, Councillor Michael Murphy, on a number of issues post Brexit and what we can do to help businesses. Obviously from our perspective, we look at Tipperary and Clonmel, but it is for all businesses across Ireland. It was welcome when the announcement was made that Ireland would receive €1.3 billion of the €5 billion Brexit fund, which is a huge amount of money for one country of the 27 member states to receive - almost a quarter of that fund - and then, on top of that, we have almost €1 billion from the recovery and resilience fund. We should look at how we spend that money and where we spend it. It needs to go directly to small and medium-sized businesses that have been affected by Brexit and not just the big projects and big groups. It needs to go to the small-time business people who employ two, three, seven, eight, nine, ten people and that have been directly affected. The people who are most in tune with those groups that are affected by that are the local authorities. We should give local authorities an enhanced role, especially with local enterprise offices, in singling out areas, groups and businesses that need that support over the next number of years. It would be really helpful and give local authorities a real influence and connection with the businesses that need that support. I would encourage it if it were possible.

One of the biggest sectors that has been affected by Brexit over recent years has been agriculture. It has been a really difficult time for many sectors in agriculture, particularly beef. Senator Joe O'Reilly was speaking earlier about how the price of beef in the UK is £300 more than it is in Ireland at the moment. It is a real challenge and it almost seems there are always challenges in agriculture, whether they are in dairy, beef or any other sector. Even this week, and it is not Brexit related but is related to agriculture and the challenges it has, we had an announcement with Glanbia that there is going to be a temporary cap on its milk supply, and this

is going to cause restrictions of people's milk supply over a three-month period, in April, May and June, every year. To all intents and purposes, for dairy farmers that is quotas being brought back in a certain way. I am interested to get the Minister's perspective because we have been seen over the past ten years as a party and a Government that has promoted rural Ireland, agriculture and the dairy sector to expand and enhance. Now we have a situation where a body, An Taisce, which does not have a democratic mandate and has no mandate whatsoever, is essentially attacking a sector in rural Ireland, the dairy industry. When we are trying to encourage people, and certainly on a day when we have launched a rural strategy for Ireland for the next number of years, we now have a situation where this sector is effectively being hamstrung by decisions made by An Taisce. I would love to hear the Minister's views and thoughts on it.

In terms of the next number of months ahead, I wish the Minister well. It is a difficult challenge. I welcome the approach the Minister, the Taoiseach and the Tánaiste have adopted in terms of negotiating with the UK. I do not think what the EU has been doing in the last number of weeks is appropriate. We have to remember that these are our closest partners, with whom we will be trading for a long time. The approach the Taoiseach and the Minister have taken in negotiating with our partners across the water is the right approach to take going forward.

Senator Paddy Burke: I welcome the Minister to the House and wish him well in his job. He has had very difficult work to do over the last number of years and when dealing with Brexit over the last four years. I certainly never thought there would be a pandemic thrown in on top as well. The Minister is to be congratulated. I also join with him in congratulating the Revenue Commissioners, the shipping companies and all the transport agencies throughout the country for keeping this country going and keeping trade going under very difficult circumstances with Brexit, and with the pandemic thrown in as well. They have done a marvellous job. When I was on the finance committee we had the Revenue Commissioners in over quite a number of meetings and they told us all the details of what they had to go through and the changes that would be made due to Brexit going forward. They have worked tremendously hard over the last number of years in that regard and they have to be congratulated.

Like previous speakers, I raise the issue of the price of bread. There was a time when nearly every county in Ireland had a company milling wheat for the production of bread. Now, there is no milling at all in the country. This is an opportunity to bring back the milling industry but it will require some initiative. There should be cross-party and intergovernmental support and Departments should work together to do this. Enterprise Ireland and IDA Ireland should take more risks in providing industries and helping industries like this to rise to the challenge, because it will be a challenge to bring that back. As Senator Conway said, this will take time. We need to have some type of milling here in this country and there is an opportunity.

We have a common travel area with the UK, including Northern Ireland. Previously, anybody who came into the UK from outside the EU could come to Ireland as well if they had a visa. What is the position now as regards those people who are coming into the UK from outside the EU? Can they come into Northern Ireland and then southern Ireland with just the visa they have to come to the UK? I would like some clarification on that. They might be coming here for work or holidays or they might want to stay for a while.

Regarding the cable from Killala to New York, I understand that the NTMA had quite a big shareholding in that, which it has sold in the last number of days. This is a retrograde step. The State would have had a stake in that cable, which is a vital piece of infrastructure for this country, particularly now that the UK is gone out of Europe. I ask the Minister to investigate

the situation because it is a vital piece of infrastructure from Ireland to New York.

Senator Ahearn alluded to the €1.2 billion we were getting from Europe's Brexit fund. I understand that the French are trying to renegotiate that and that we could lose anywhere between €300 million and €400 million of it. We were to get €1.2 billion out of over €5 billion. I ask the Minister to confirm whether that is true. If it is, what countries will benefit from that extra €300 million or €400 million, which would be our great loss? I also ask him to outline what areas might get that money. Would agriculture, fisheries, industries or tourism benefit from the €1.2 billion? As Senator Ahearn said, small businesses are in dire straits. Some of them will never open again. Any assistance that they could get would be greatly appreciated. The reduction of €300 million or €400 million from the €1.2 billion fund is sizeable. I hope it is speculation rather than the truth. I would like to know the areas that will suffer in that regard because it is a considerable sum that the State would miss out on.

Senator Niall Blaney: I welcome the Minister to the House to discuss this important issue. At the outset, I wish to put one matter on the record, which is the language we use about some of the issues that have arisen since Brexit took place. I very much take issue with a border in the Irish Sea. We should knock that idea at every turn because there is no border in the Irish Sea. Issues arise as to how we export goods to the UK and import goods from the UK, but language is important, in particular when it comes to dealing with Ireland's future, North and South, and the difficulties faced on a North-South basis. We should call it as it is: there is no border there, it is an imaginary border and Brexit has resulted in there being a lot more checks and balances for trade. We should knock that idea every chance we get.

I thank the Minister for the work he has done to protect our interests throughout the Brexit negotiations. It was no easy task and there were a lot of rough days, but he handled the process very well and protected Ireland's interests very well.

There are consequences to how the EU handled the Northern Ireland protocol. Overall, issues arise in terms of the relations that existed between the Government and its officials and the British Government and its officials following the Brexit process. We need to do a lot of work to try to repair them. It is not something that can be done overnight, but we must be very conscious of it and we must put a lot of work into it because it is in our interests to do that. In the same vein, I believe we must put a lot more effort into North-South relations given the strained nature of relations as a result of the protocol. Unionist communities and representatives are in an awkward position and we must recognise that and not do anything to ramp up the situation, rather the opposite. I am concerned at the approach being taken by a supposed independent academic producing a report on Irish unity that has no academic basis, but is rather a party political statement on behalf of certain parties, which completely ignores the Protestant and unionist populations in Northern Ireland. A North-South poll is very much to the forefront of debate in recent weeks. We must all be respectful of how we got to where we are thus far, how the Good Friday Agreement was won and the approach taken by all those involved to bring about the agreement. There must also be a recognition of the sentiment with which they came to the table because a similar sentiment is needed now if we are to move this country forward on a shared basis. This country coming together as one is not necessarily about territory; it is more to do with people. The Good Friday Agreement was established on that basis. We all have work to do collectively around the table. If there is going to be a Border poll some years down the road, we all have work to do and we all have responsibility.

Even for a party like Sinn Féin, although we sometimes we rub each other up the wrong

way, it is fair to recognise that we all have responsibility. Sinn Féin in Northern Ireland, perhaps, has an awful lot of responsibility in the relations it will try to set about and establish over the next few years. It needs to put more emphasis into developing those relations, particularly on a North basis and on a Stormont basis. I look forward to helping in any way I can in that regard. I thank the Minister again for coming to the House.

Senator Eugene Murphy: Like many others, I compliment the Minister on his stewardship of this whole area. He and the Government and been very good and very much to the fore in doing the right thing for Ireland. His announcement in January about the Brexit adjustment reserve fund of €1.2 billion was fantastic. Other Members have mentioned that a campaign by some countries to probably try to reduce the amount of money coming to Ireland would not be acceptable. I know the Minister will fight that tooth and nail because it is important that these funds should come. There is no doubt that Ireland is taking the biggest hit.

Of course, the UK announcement of a change in the sanitary and phytosanitary, SPS, checks and controls removes much uncertainty from the beef exports. It means the beef factories can access the market without having to worry about any additional checks. That is crucial. I will say to the beef business here, however, to also step up to the mark and match the price that is being paid. That is very important. I come from what is mainly a suckler beef area. The Minister knows how crucial that is in our area. I acknowledge there are also challenges for the dairy sector but I urge the beef factory people to give the farmers a decent price now. One argument they used concerned the SPS checks, which are gone. There will be an increased demand for beef in Britain because there will be a reduction of beef in England in terms of its production. That excuse is, therefore, gone.

When one looks at opportunities, I read an article in *The Irish Times* earlier today which stated that up to one in four small businesses in England have given up on exporting to the EU because of Brexit. That certainly opens up quite an opportunity for additional business for Irish firms. It is obvious to many in Britain now that the Brexit decision was a bad one which will negatively affect their country.

Brexit throws up many peculiar situations. I received correspondence from the Federation of Irish Beekeepers Associations about an English guy who is trying to import 15 million bees from Puglia in Italy to England. He is trying to bring them through Northern Ireland because of Brexit. The correspondence stated that if the bees go into Britain, the authorities there will burn them. Therefore, it is now being stated clearly that he will try to put the bees up for sale in Northern Ireland.

There has been a serious disease in the bee population in that part of Italy. The Italian Government has spent seven years trying to get rid of a species of beetle that absolutely destroys the bee population. Sometimes, we talk about bees in this country and people laugh as if it is not an important issue. The reality, however, is that one third of the world's food production depends on bees. Every third spoonful of food depends on pollination, which is a key word. To protect our bees is very important. I know the Minister for Agriculture, Food and the Marine is aware of this situation, as is the Minister, Deputy Coveney. It is a British issue because they come into Northern Ireland. We need to stop those bees being released in Northern Ireland because the fear of the bee people is that they will infect our bee population and cause enormous damage.

Senator Emer Currie: I apologise for not being here earlier. I was at a shared island conversation organised by Young Fine Gael. I thought it was a brilliant conversation and the more

of these conversations we have, the better. I am not interested in shutting down these conversations. It is good that we, as an island, begin to really see and engage in conversations in the North and on what is actually happening in the North. That can only bring good things. The more we talk, the better things get.

The Cathaoirleach will know I have a saying that, for me, it is not if one wants a united Ireland but it is what kind of united Ireland one wants. That is one we work for, not one we win. It is on all of us to work for reconciliation, to work for the relationships that were there as part of the Good Friday Agreement and to work together.

I want to focus on how much we, as an island, need the protocol. It is worth fighting for. I remember, as a child, being confused by the expression that we cannot square a circle. When the realism of Brexit kicked in, that expression really haunted me. Ireland and the UK have gone from being partners within the European Union to redefining their relationship along the lines of EU membership, and then being a third country. It is incredibly difficult to recreate an interlocking and interdependent relationship based on that, such is the scale of the challenge with the protocol and the work that went into it. I know the Minister has been absolutely committed to that. The Good Friday Agreement found a way to square the circle. It was based on respect for each other, for different identities and for different goals, on parity of esteem and on the blurring of hard lines, whereas, time and again, Brexit and those who have supported the hardest of Brexits gave us hard and red lines. Unfortunately, at the moment, they still do. I do not mean any disrespect by that but it is hard to draw any other conclusion, whether it is the call to scrap the protocol after a week, triggering Article 50 without a plan, or a vote against the various solutions that were on the table.

We did not arrive at the protocol overnight. We got here for a reason. If there were better solutions, we had five years to come up with them. It is far from ideal but we have to protect the peace and we have to protect ourselves from the worst-case scenario, which is a hard border on our island, a visible trade border on top of an invisible border.

That is not to say I do not understand where unionists are coming from. I firmly believe the Minister also understands where unionists are coming from and that he approaches this with the flexibility and the compromise that is needed. I am sorry the Minister has been pinpointed or targeted over the last few weeks but I know he is committed to finding solutions, to making trade as seamless as possible for Northern Ireland businesses and to focusing on the vibrant future of Northern Ireland, and the opportunities that could be there for us in regard to having access to the Single Market and access to the Great Britain market as well.

Brexit changed everything, the protocol did not. However, some things will stay with us forever and that is the need for us all to get on and the need for relationships, whether they are east-west, North-South or in the North. Whatever happens, whether it is Brexit or constitutional change, that is just the way things are. It is sad to see that trust has been eroded and that people play politics with everything from bridges to devolution and from legacy to the withdrawal agreement. We still have to stand firm, know our own values and always try to build trust. I admire the Minister's commitment in that regard. He never gives up. Building relationships for the future is always first and foremost in his mind and I hope that is something we will all learn from.

Senator Aisling Dolan: I welcome the Minister. It is wonderful to have the opportunity to speak in this debate. We are very fortunate to have in the Minister such a strong advocate for

Ireland in the EU. Officials and staff in his Department have demonstrated clearly the negative impact on Ireland of the withdrawal of the UK from the EU, as evidenced by Ireland winning over €1 billion of a €5 billion post-Brexit EU fund. The impact on our society, trade and travel is enormous. The challenges we face are clear, including the health crisis arising from a pandemic that does not recognise boundaries and climate change, which threatens us all.

The Minister mentioned the difficult months relating to the Northern Ireland protocol and the Good Friday Agreement. The quality of leadership in the EU, representing Ireland and protecting this protocol, is a top priority. It is also positive to see President Biden's unequivocal support for the Belfast agreement.

In terms of Brexit itself, I ask the Minister to consider how the Brexit adjustment fund could be used in a number of areas. First, as a society we have family and friendship connections with Northern Ireland and must work towards a safe society, with respect for identities taking account of all. As a student of Irish history in Galway, I went on to study further at the University of Ulster in Coleraine and made friends on all sides. That experience gave me a deeper understanding, having walked in others' shoes, of how important it was to achieve peace.

The second area is trade and especially agriculture. How can we use this fund to prepare farmers for the impact of UK import controls? As we know, half of all our beef exports previously went to the UK market. How can we use Bord Bia in a more effective way?

Third, as Fine Gael spokesperson on further and higher education, research and innovation, I look forward to exploring opportunities for Science Foundation Ireland to engage in joint research projects with Northern Ireland universities. I also support the Minister for Further and Higher Education, Research and Innovation, Deputy Harris's engagement on a Derry campus which is part of the work of the shared island unit. The Government has also committed to supporting students in Northern Ireland to participate in the Erasmus scheme. I had the opportunity to study for a postgraduate diploma in the University of Ulster which led to an internship for a few months at the European Commission office in Belfast. As Senator Currie mentioned, we have just come from a talk on Northern Ireland by a branch of Young Fine Gael in Queen's University, Belfast. It was sad to see the aforementioned European Commission office close last year. Would it be possible to review that decision in the future?

As Senator Burke mentioned, departmental officials and groups in the ports have done phenomenal work to maintain trade and to create new direct trading and shipping lines. I am also aware that €500 million has been allocated to the shared island unit to deepen North-South co-operation, an all-island economy and an all-island climate strategy. I urge the Government to maintain, protect and further develop cross-Border potential in healthcare, particularly under the health directive, and to examine how our health resources can be shared to the benefit of all.

We have difficult challenges ahead but we have a very strong team in place. I look forward to working with the Minister and his team to achieve the best for Ireland and the island as a whole.

An Cathaoirleach: We have had a very wide-ranging discussion, with a lot of different points raised. I thank the Minister for being here and invite him to respond to the debate.

Minister for Foreign Affairs (Deputy Simon Coveney): This has been a really good series of statements from Senators from all parties. The tone has been very considered and generous in terms of trying to link the challenges we face with the relationships we need to rebuild

and manage. At times this is difficult, especially when people approach the same challenge from a very different perspective. Trying to reach a common understanding is often not easy.

I will now deal with a number of the issues raised. It is important to understand why the protocol itself is so important in terms of functioning. The idea that the protocol could simply be dismantled and removed at this point, now that Brexit has happened, would essentially have a consequence for the Republic of Ireland whereby we would effectively have two very unpalatable choices as a way forward. The first is to choose to protect our place in the EU Single Market by putting in place some form of Border infrastructure North-South, which I do not believe we could do politically or get agreement on doing politically. The second is that we would be taken out of the Single Market by default. The protocol is not just about Northern Ireland; it is about the island as a whole functioning as it needs to function in order to protect relationships and trade.

The way in which the Brexit debate developed meant that the protocol was not the first choice in terms of a solution to the very difficult island of Ireland questions that Brexit forced. Members should not forget that what we wanted in the context of the UK leaving the European Union was to talk about the potential of a shared single market with the UK outside the political union. That was rejected. We then looked at a shared customs union. That was rejected. We then looked at a temporary solution for all of the United Kingdom together, which became known as the backstop, while more detailed discussion took place around how the disruptive impact of Brexit could or should be managed in the context of relationships on the island of Ireland. The backstop was rejected. The then British Prime Minister lost her position on the back of that rejection. The kind of Brexit that was pursued by the British Government meant that we had to essentially tailor or design a solution specifically for Northern Ireland in the context of the United Kingdom not wanting to be part of a shared single market, a shared customs union or a backstop-type of arrangement.

As a result, this arrangement was put in place whereby, in simple terms, Northern Ireland became a de facto extension of the EU Single Market to prevent the need for any form of border infrastructure, but the price of that was that there was some level of checks required on goods coming from Great Britain into Northern Ireland because, essentially, it is an entry point into the EU Single Market for goods. That is the backstop. The upside of that from a Northern Ireland perspective is that businesses in Northern Ireland will have completely unfettered access into the EU Single Market of 450 million people, as well as unfettered access into the GB market. It is only for product coming the other way that the EU has to understand what is coming in, in terms of standards and origin and so on, because, otherwise, there would essentially be an unguarded back door through Northern Ireland into the EU Single Market.

Senators should make no mistake about it - if the protocol collapses, Ireland will face some really difficult choices, politically and economically, forced on us by a choice that was made by the United Kingdom in the context of Brexit. This solution is not perfect, but it is certainly the best way we could have designed of mitigating the disruption of Brexit for the island of Ireland and the relationship between the islands of Britain and Ireland. It was designed as much in London as it was in Brussels, but many people seem to conveniently forget that. This was an arrangement and an agreement that was signed up to. It is part of an international agreement and it is international law. It was passed and ratified in the British Parliament as well as in the European Union and European capitals. It was campaigned on in a British general election which was won on the back of the message that Brexit was getting done and on the back of the withdrawal agreement which includes the protocol. We have to be honest about this because

the narrative now around the protocol is that it is being foisted on Northern Ireland by the EU and the Irish Government. That is not the case. We are looking at pragmatic implementation and the realistic flexibilities that are possible to try to remove unnecessary disruption, while ensuring, at the same time, that the essence of the protocol remains intact in the context of being an entry point into the EU Single Market that prevents the need for Border infrastructure on close to 300 road crossings between North and South on the island of Ireland. If we were trying to do that on the Border, it would, let us face it, be a charter for smuggling and it would be impossible to deliver politically. Instead, we have limited checks in place at two ports and an airport.

I understand why many in the unionist community see this through a different lens, one that focuses on identity and a disruption of goods coming from Great Britain into Northern Ireland. That is why we want to try to limit the impact of those checks as much as we possibly can. We have to do that in co-operation and partnership. We cannot have a situation where one side, whether it be the EU or the UK, decides unilaterally to declare that it is going to implement the protocol in one way or another, in a manner that contravenes not only the spirit of the protocol but the legal obligation under the protocol as well. That is why the EU feels forced to resort to legal action if it cannot find a way of building a partnership through the committee structures that have been put in place to manage the protocol.

Let us talk about the facts and try to deal with the genuine concerns around how the protocol is impacting on Northern Ireland. I would be the first to try to do that. Despite the fact that I have become somewhat of a bogeyman for some people in the context of the protocol and trying to tell people the truth about it, the irony is that the Government, and my office in particular, has been constantly talking to the European Commission about the need for flexibility, the need to understand the tension in politics in Northern Ireland because of the protocol and its implementation, and the need for pragmatism in terms of implementation. We will continue to make those arguments and to work with people like Vice-President Šefčovič, who has been extraordinarily understanding and has made himself available on many occasions to meet representatives from Northern Ireland and south of the Border. The protocol is there, it is in international law and it is not going to be cast aside, but we can, of course, work on implementation in a way that addresses genuine concerns.

Regarding trade disruption, the disruption is not only in Northern Ireland; it is very much south of the Border too. There is a whole series of grace periods that have made the disruption of Brexit far easier to manage in Northern Ireland, albeit the politics of it is much more difficult there. Those grace periods do not apply in Dublin and Rosslare in terms of product coming in from the UK. As I said earlier, the Revenue Commissioners, in particular, have done an extraordinary job in really difficult circumstances and on tight timelines. They are working and available 24-7 to try to help businesses make the adjustments that are needed. These are not Irish-imposed systems in Irish ports. They are EU requirements under trade rules with a third country. We are managing the integrity of the EU Single Market as well as managing goods coming into our consumer and retail base in this country. There are no grey areas. We are required to do these things as an EU member state under EU rules and laws. Of course we will try to do so in a way that is as streamlined as it possibly can be.

There are genuine problems with flour, cars and a number of products, mainly linked to rules of origin issues. For example, a lot of the flour that came into Ireland was milled in the UK but, in some cases, the raw material for those mills would have come from Canada and other parts of the world.

9 o'clock

If the raw material does not originate in the UK, then it is not considered a UK country-of-origin product and a tariff applies as a result. Even beyond that, if a product originates in the EU but goes to the UK for re-boxing or repackaging to then be sold into Ireland, tariffs may also apply. The TCA does not apply because the product did not originate in the UK and because it has been repackaged or re-boxed in the UK, it is no longer considered an EU product because we cannot guarantee its integrity once it leaves the EU. This means that, in a strange way, it is stateless.

(Interruptions).

Deputy Simon Coveney: The answer in that regard is to alter supply chains, which is what has already happened.

Let us take the example of a box of corn flakes. Corn flakes sold in Ireland are produced in Spain, by and large. They go to a redistribution centre in the UK and are redistributed into the UK and Ireland supply chain from there. However, because they are repackaged and re-boxed there, a tariff applies. Retailers are looking at redesigning their supply chains in order to be able to source products in a way that does not involve tariffs. Nobody should be surprised that Brexit has meant disruption. Politicians do not have the capacity to remove all of that disruption. We are talking about a country that is considered, in legal and trade terms, to be a third country outside of the European Union. Regardless of how close we are and how much we want to reduce the disruption of it, there is only so much that we can do by way of law and with systems.

There is more that we can do, but the UK Government has to be willing to work with us. For example, if we could conclude a sanitary and phytosanitary agreement between the EU and the UK, it would significantly impact, in a positive way, in the context of reducing checks on live animals and food products, because we could see alignment around sanitary and food safety standards and issues pertaining to live animals, etc. We know we could do that, but the British Government has decided that it does not want to do it because it does not want alignment with the EU. We need a partner with whom we can negotiate and put common approaches and standards together to try to ease the burden for our traders.

The Brexit adjustment reserve, which many Senators mentioned, is still under discussion. We are pushing for this discussion to conclude, because the sooner it is concluded, the sooner the money will be made available and the sooner we can allocate it to the people, businesses and sectors that need it. It is essentially a fund which is split into an initial allocation of €4 billion. A further €1 billion will be allocated at a later stage. The initial proposal from the Commission was that Ireland would have access to over €1 billion of that €4 billion, which is one quarter of the overall fund, and was significantly the highest net gainer from this fund. Rightly so, because Ireland is disrupted by Brexit by a number of factors more than any other country in the EU, and has been in the past number of years in respect of uncertainty and disruption, both politically and economically. That is recognised. It is a recognition of the generosity of spirit and the solidarity within the EU that that proposal was made, that a country that has around 2% of the EU's population is being allocated 25% of the Brexit adjustment fund. Again, it reflects the understanding Ireland has received from the outset in the context of the disruptive nature of Brexit on the considerations we have to make.

That brings me to the relationship North-South and east-west. I must say that Senator Blaney made a most thoughtful contribution this evening. What he had to say reflected on the part of the country in which he lives and his understanding of the mindset of the relationships along the Border in the north west. Perhaps the most challenging element of Brexit for me as a politician concerns how we rebuild trust and relationships that have undoubtedly been damaged because of the way in which Brexit has been negotiated at different times. Stand-offs were resolved only at the very last minute, a trade and co-operation agreement, TCA, was finalised on Christmas Eve, and there was an decision on the withdrawal agreement and the protocol when many people had written them off.

This has not been an easy negotiation. How many Ministers for Brexit have come and gone in the British Government? How many Prime Ministers have lost their job because of Brexit? This has been a strain on the British system as well as on the Irish system, and we have to recognise that and work to rebuild those relationships. From my experience, good things happen in Northern Ireland when the British and Irish Governments work together with parties on divisive and difficult issues, whether that is legacy, implementing the New Decade, New Approach agreement or sensitive issues such as language legislation, which we have to find a way of doing because that is what we have committed to, and in many other areas as well. It could be managing centenary commemorations or celebrations, depending on one's perspective of history in the context of 100 years of Northern Ireland, just like we had to do here in regard to respectful commemorations in 2016. I hope this House as a whole can make thoughtful contributions on how we can build new, stronger and more constructive relationships in the context of speaking honestly to one another and of not hiding our own aspirations and dreams for the future. Just as it must be okay and facilitated for unionists to speak about why they believe in the union, it must also be facilitated and understood for people to talk about a different kind of future for the island of Ireland, which many people advocate for. How we manage that debate, in a way that does not simply drive people to tribal corners based on identity and a different version of history, is deeply challenging.

That is why the Taoiseach and the Government set up a shared island unit to push back against that separation that comes from anxiety, fear or aggressive advocacy. We have had three successful dialogues in the shared island process, the first of which was between young people, a direct and blunt debate with very different perspectives but it was respectful and worked well. The second was on the environment and climate, which Senator Black raised, and the importance of that area. It was a really interesting discussion where people were focusing on something that was not identity based but was a shared interest, that is, how we could work together on the island of Ireland to protect biodiversity and water quality and act together on the climate challenge and so on. Last week, we held the third shared island dialogue, on the role of civil society, and more than 100 civil society groups appeared on a video-streamed call with groups from north and south of the Border interacting with and challenging one another and so on. We will move on and have further dialogues on economic co-operation, healthcare and education. Hopefully, that shared island concept can allow for a sharing of perspectives and contribute, partly at least, to a rebuilding of trust in respect of some of these issues.

On the issue some Senators raised about the constitutional question, future border polls and so on, for what it is worth my view is we have to focus first on building relationships and trying to ensure that the institutions of the Good Friday Agreement can function again because they are not functioning as they were meant to. They are just about hanging on. We have real work to do to use those structures and institutions that are linked to the agreement to best effect to

rebuild relationships after a bruising number of years, in terms of North-South co-operation, relationships within Northern Ireland and also east-west relationships between Governments and political leaders. I assure the House that the Taoiseach and Prime Minister are also talking and thinking about what structures we can add to the current structures that are there to strengthen those relationships.

Nobody should deny that people are entitled to discuss and debate the future of our island as a whole. Nothing should be out of bounds in that discussion as long as it is done in a spirit of respect and generosity. That is the challenge. It is pretty hard to do that at the moment in the context of the pressures and polarisation that have arisen on the back of the protocol and the tension generally in society that the pandemic has caused over the past 12 months. I ask people to think about that.

There are a number of other issues on cross-Border health. The cross-border directive no longer applies because Northern Ireland is no longer part of the European Union and, therefore, EU directives no longer apply. We have to put in place new structures and systems. Not for the first time, PDFORRA has been clever and ahead of the pack in acting early to protect its members. I commend it on that. It has adopted an interesting model. The Government is committed to ensuring that cross-Border healthcare continues to function. We are also committed to trying to ensure that we also facilitate a recognition of qualifications on both sides of the Border. That cannot be done easily government to government in the context of a third country and needs to be done at a regulatory and professional body level, as is happening at the moment. We can do most of what we need to do through those bodies.

I am conscious, a Chathaoirligh, that I could go on about Brexit all night, as you know. I am not sure if I answered all of the questions but I believe I answered most of them.

I heard Senator Ahearn's comments on Glanbia's planning permission for a new cheese plant. This is an important project which is about diversification. However, as the issue is in the courts for decision, it would not be wise for me to comment on it. I certainly understand the frustration that the Senator outlined and I have heard it from Glanbia and many others.

On data, the EU will produce a data adequacy decision which will provide some certainty in this area. It will then be up to the UK Government to decide what it does and how it behaves. If it wants to fall outside of that decision, it will be a decision for a future British Government to make and one which will have a series of significant knock-on consequences. There is a timeline until the end of June for the Commission to provide further clarity and I hope it can do that well in advance of that timeline.

I will finish on this point as it is the one I started with. In terms of being constructive on the protocol, I believe we can move away from threats of legal action and get back to a partnership and discussion between the EU and the UK. Through the specialised committee and joint committee, that can work to get the protocol back on to an even keel in terms of a roadmap for implementation on what has been agreed. In return for that roadmap for implementation from the British Government, there is also perhaps an opportunity for more pragmatism and flexibility from the European Commission's side, within the confines of the protocol of course, to try to ensure that both sides are focused on making this work for everybody and building a partnership that recognises the challenges and pragmatism needed to ensure the protocol is robust and, most importantly, provides certainty for businesses in Northern Ireland into the future. I hope we can make some progress on that issue this week.

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Senator Rónán Mullen: Well said. I hope we will have a debate on China on some other day.

Deputy Simon Coveney: I will happily come back on the issue of the UN Security Council. We can talk about China.

Senator Rónán Mullen: It will fit in. We need to talk about China.

An Cathaoirleach: We will take one global problem at a time. I thank the Minister and Senators for their contributions on the issue of Brexit which we know from the date of the referendum gets to be a bigger problem each day that passes.

When is it proposed to sit again?

Senator John McGahon: At 10.30 a.m. on Monday, 19 April in the Dáil Chamber.

The Seanad adjourned at 9.15 p.m. until 10.30 a.m. on Monday, 19 April 2021.