



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé hAoine, 7 Bealtaine 2021*

*Friday, 7 May 2021*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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

**An Cathaoirleach:** Cuirim fáilte roimh an Aire Stáit, Deputy Frankie Feighan. I thank him for coming in today. Before he addresses the first matter I will read out the matters submitted by Senators today.

I have received notice from Senator Malcolm Byrne that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to make a statement on her plans for the safe reopening of theatres and event venues.

I have also received notice from Senator Emer Currie of the following matter:

The need for the Minister of State with responsibility for mental health to address the inequitable funding for trainee psychologists across clinical, educational and counselling strands.

I have also received notice from Senator Paul Gavan of the following matter:

The need for the Minister for Health to legislate to create safe access zones for hospitals.

I have also received notice from Senator John McGahon of the following matter:

The need for the Minister for the Environment, Climate and Communications to provide an update on the Government's plans to connect solar photovoltaic, PV, to the electricity network.

I have also received notice from Senator Pauline O'Reilly of the following matter:

The need for the Minister for Education provide an update on school buildings for Galway Educate Together Secondary School and Cuan na Gaillimhe CNS.

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I have also received notice from Senator Eugene Murphy of the following matter:

The need for the Minister for Agriculture, Food and the Marine to consider releasing the Land Commission records for the period 1870 to 1921 to coincide with this year of commemorations.

I have also received notice from Senator Ivana Bacik of the following matter:

The need for the Minister for Education to provide an update on the opening of autism spectrum disorder, ASD, units in schools in the areas of Dublin 2, 4 and 6.

I have also received notice from Senator Sharon Keogan of the following matter:

The need for the Minister for Education to provide an update on the remedial works required to Duleek boys and girls national schools, County Meath.

I have also received notice from Senator Niall Ó Donnghaile of the following matter:

The need for the Minister for Foreign Affairs to provide an update on the current level of service being offered by the Passport Office; and if he will consider opening a dedicated passport office in the North of Ireland to meet increased demand.

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

The need for the Minister for Rural and Community Development to allocate funding under the 2021 community development pilot programme to the Attic House CLG, County Longford.

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

The need for the Minister for Health to provide an update on the proposed primary care centre for Fethard, County Tipperary.

I have also received notice from Senator Robbie Gallagher of the following matter:

The need for the Minister for Justice to outline the role of data controllers in community close circuit television, CCTV, schemes; and if she will review the situation that exists in Monaghan town.

I have also received notice from Senator Mary Fitzpatrick of the following matter:

The need for the Minister of Finance to end tax incentives for investment funds.

I have also received notice from Senator Marie Sherlock of the following matter:

The need for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media to outline when she will issue updated guidelines on the recommencement of music, dance and drama classes.

I have also received notice from Senator Fiona O'Loughlin of the following matter:

The need for the Minister for Environment, Climate and Communications to make a statement on just transition funding for counties impacted by the cessation of Bord na Mona activities.

I have also received notice from Senator Erin McGreehan of the following matter:

The need for the Minister for Housing, Local Government and Heritage to oversee an audit of polling stations and election day procedures to ensure they are accessible, safe and welcoming places for all citizens.

Of the matters raised by the Senators suitable for discussion, I have selected Senators Byrne, Currie, Gavan, McGahon, O'Reilly and Murphy and they will be taken now. I regret that I have had to rule out of order the matter raised by Senator McGreehan on the ground that the Minister has no official responsibility in the matter. The other Senators may give notice on another day of the matters that they wish to raise.

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

### **Culture Policy**

**An Cathaoirleach:** I thank the Minister of State, Deputy Feighan, for his patience and him for coming to the House.

**Senator Malcolm Byrne:** I thank the Minister of State for taking this matter on behalf of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin. We are all looking forward to seeing our museums and galleries opening next week, but I am hoping that it will not be too long before we see our other centres of culture, such as music, drama and entertainment venues, throughout the country opening as well. The pandemic has made us realise, far more than we ever did before, how important music, the arts, drama and entertainment are to our lives. During this period, there have been many wonderful online initiatives by the artistic and musical communities. The Minister of State might agree, however, that nothing beats a live performance. Unfortunately, we have not seen too many of those.

There were periods last summer where we were lucky enough to see live performances. I was lucky to see the first outdoor live play by the Coolgreany drama group last summer. St. Michael's Theatre in New Ross also moved many of its performances outdoors. During the period of the most intense recent lockdown when the Garda performed "Jerusalem", which brought a smile to all our faces, communities all around the country also did their own versions. This shows the importance of live performance. Last summer we also saw controlled indoor performances. I am involved with the Gorey Little Theatre. It operated in a controlled environment, with limited numbers coming in. It was very safe and patrons felt safe. This was replicated in other areas such as the Wexford Arts Centre and right around the country. There was no evidence, where it was safely operated, that this contributed in any way to the spread of Covid, and the arts community has been playing its part in the fight against it. The Minister of State will know that the Minister launched pilots at the Abbey Theatre and the National Concert Hall in December. My understanding is that those pilots went well and we learned from them. Many theatres and live events were reopened in Israel following its vaccination programme. Again, the evidence is that this has been done successfully. People may be aware of a very successful

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large-scale outdoor event in Barcelona where up to 5,000 people attended a rock concert, but with the requirement that testing take place beforehand. The arts community is happy to look at engaging with this.

I am looking for some sort of vision from the Government to be set out for our theatres, music and arts venues so they are able to open safely. What kinds of measures will all these venues need to put in place when they open to ensure it can be done safely and with the confidence of those attending? Can the Minister of State give a general timeframe? Will we see larger outdoor events over the summer? We have heard talk that we will see some of this happening in sport; will we also see it in arts and music? It will probably be a while before we see big on-stage indoor performances, but what about small performances? Can we give some assurances to the likes of the New Ross Piano Festival, Dublin Theatre Festival, Wexford Festival Opera and Cork Jazz Festival about what they look like when we come to the autumn? It is important to set out that kind of vision.

Everybody realises that this will not be a very rapid reopening. The arts community has played its part in keeping us entertained and informed over this period. There is now an obligation on the Government to set out a very clear vision as to how we can reopen our theatres and arts venues.

**Minister of State at the Department of Health (Deputy Frankie Feighan):** I thank the Senator for the opportunity to discuss this matter. I share his optimism and hope that, eventually, the country will open up and we will go back to enjoying all these festivals and theatres over the summer. He is absolutely right that the pandemic has taught us a few lessons, one of which is that the simple things in life are free. We are looking forward to opening up.

The arts and culture recovery task force in its report, *Life Worth Living*, recommended that the treatment of cultural activities and venues under the various levels of the Resilience and Recovery 2020-2021: Plan for Living with Covid-19 be reviewed. The task force noted that many cultural centres, venues, galleries and cinemas offer large areas with ample circulation and controlled auditoria and spaces, as the Senator rightly said, capable of facilitating large numbers of people in accordance with public health guidelines.

On 13 December, the Department announced a series of performance test events comprising a performance of the Irish Chamber Orchestra at the National Concert Hall on Saturday, 19 December, and a production of Landmark Productions and Octopus Theatricals' innovative, *Theatre for One*, at the Abbey Theatre for a limited run from Friday, 18 December. These test events inform further assessments of the potential for a wider range of locations to accommodate live performance in 2021.

The test events were subject to the following requirements: each event was ticketed with assigned seating; only the named person assigned a ticket could attend; all attendees were asked to have their smartphone switched on and HSE Covid app installed for contact tracing purposes; the arrangements were supervised by an occupational health and safety professional who engaged with public health; and venues adhered to best practice on ventilation.

SLUA safety consultants reviewed the safety plans for each venue prior to Departmental approval. Covid-19 safety measures were in place and implemented by both venues and included separate supervised points of entry-exit for attendees and performers. Conditions of ticket issue were clearly communicated to attendees in advance of each event regarding face coverings,

temperature taking, contact tracing information, social distancing and what to expect on arrival.

At the National Concert Hall, a special Christmas celebration with the Irish Chamber Orchestra took place on 19 December. The concert ran for 45 minutes without an interval. As part of their Covid-19 safety measures, Code Blue first aid responders completed temperature checks for all attendees on arrival before entering the auditorium. The entrance foyer was supervised to prevent congregation and all attendees were escorted to their seats. Mask wearing was obligatory for the duration of the concert and tickets were restricted to 100 attendees. The Abbey Theatre hosted “Theatre for One” for one adult.

Hopefully in the coming weeks and months we can get back to the enjoyment of all of those wonderful festivals around the country, some which will offer a different level of participation from others. All of the various agencies are working together to address this issue.

**Senator Malcolm Byrne:** It is important when the Department of Health makes announcements around the reopening that the arts and culture are not forgotten. It is right and important when one talks about what is happening in sport that the sporting organisations have clarity. Unfortunately, when many of the national announcements are made, those in the artistic and music community do not seem to receive the same level of detail. In any future announcements there must be much more clarity around that.

As those pilots have operated safely, we are able to say to venues around the country that they can now open safely under those conditions. It is important that is outlined as quickly as possible. I can think of no greater vaccine bonus than to be able to give to those who have been given their vaccines to be told that they can go to a concert or to a play or to listen to a piece of music in a safe environment. We need to get that message out.

It is important also to remember that artists and musicians have helped us through this pandemic. Many of them have lost their employment and jobs. We must remember that this is about more than just employment for them; it is part of their own identity. As part of our recovery, we must support those venues, artists and musicians. In any future announcements, therefore, can it be made very clear what is to happen? We must set out a timeframe for the safe reopening of our theatres and venues as soon as possible.

**Deputy Frankie Feighan:** As the Senator is aware, the Government announced last week that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media will work with the Departments of Health and the Taoiseach to progress arrangements to hold a further limited number of pilot live events for sport and live entertainment, both indoor and outdoor. In the meantime, the Department will work with sporting and cultural bodies and will make practical preparations for these test events. The Senator is completely correct that the Minister, Deputy Catherine Martin, recently established a live entertainment working group in order to facilitate stakeholder consultation. This group will produce a high level set of guidance that all venue promoters can adopt for their specific purposes. It is hoped to begin hosting these events in July, depending on the situation at the time and subject to the roll-out of the vaccination programme. Effectively, all options for the safe holding of these events are currently being considered and I thank the Senator for his interest in this subject and for his advice.

## **Health Services Staff**

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**Senator Emer Currie:** Gabhaim buíochas leis an gCathaoirleach Gníomhach. I am very grateful to the Minister of State for attending today.

To put this very simply, we need more psychologists in Ireland. Why, if we are in chronic need of more psychologists, do we put so many barriers in the way of getting them? It is not because we do not have the talent, commitment and ambition. I am aware the Minister of State is familiar with and cares about this information. Just to recap, staff in the child and adolescent mental health services, CAMHS, are overwhelmed, and one told me that is the worst they have ever experienced. The delivering specialist mental health services 2019 report states that the percentage of new development posts being filled went from 69% in 2017 to 17% in 2018, and 32% in 2019. We know of the waiting lists across community mental health teams, early intervention and school-age teams. I understand that is being changed, and is progressing to disability teams at the moment. Despite these backlogs and the acute personal pain and social problems that persist, there are systemic barriers to getting qualified psychologists onto the front line to deal with them and to build what we require, which is a diverse workforce of psychologists. We are overseeing a deeply inequitable and unhealthy system in which only a very small number of psychologists eventually qualify, and many who do are in dire financial straits for pursuing their calling.

It is an incredibly competitive system and not many people make it onto the doctorates, and I say that as a female politician. Their commitment and resilience are something else. They undergo and pay for their undergraduate course, which is four years, and then a masters, which is two years, followed by work experience which could be another two years. They try to obtain an assistant psychologist post which, as we have seen recently, can be unfunded or voluntary. That work experience is required to secure a doctorate. Incidentally, assistant psychologists are not replacements for fully qualified psychologists. Then, if they are lucky, they might secure one of the coveted places on the island for their doctorate, where they could pay €15,000 per year to do it over three years and during which they work a minimum of 300 hours, and it could be 450 hours, unpaid throughout the duration of their studies. That is 11 years, mainly self-funded, even though the health service is in critical need of their care, commitment and expertise. However, if one gets a place on a clinical trainee doctorate, one gets 60% of one's fees paid and receives a student salary starting at €33,000 for one's work experience. However, if one takes the route of counselling in education one gets nothing when doing the doctorate, even though all three strands - clinical, counselling and educational - are eligible for the same posts when people are qualified.

I believe in equality of opportunity, as does the Minister of State. We need a fully functional health service that places the citizen at the centre of care. Where we see solutions before us in terms of educational and professional attainment, addressing our mental health crisis and helping people who need it most, we have an obligation to execute those solutions. A very small step that would cost the Exchequer only €1.5 million per year is to make access to funding for doctorates equitable. That is what I hope the Minister for State will commit to today. There are other things we can do to break down the barriers, but this is one small step. To break the backlogs we must break down the barriers.

**Deputy Frankie Feighan:** I thank Senator Currie for giving me the opportunity to update the House on behalf of the Minister of State, Deputy Butler, on this important matter and to acknowledge the enormous contribution made by psychologists in Irish hospitals, especially in these challenging times in the context of the Covid-19 pandemic. The Department engages on an ongoing basis with the HSE with regard to improving the position of all healthcare workers

and trainees, but it must be noted that it is the Psychological Society of Ireland, not the Department of Health, which currently sets the academic and professional requirements to attain the status of professionally qualified psychologist in clinical, counselling and educational psychology.

In February 2019, HSE community operations convened a project team, chaired by Dr. Cathal Morgan, to consider the preparation of a workforce plan for psychological services in the HSE, including an examination of the current framework for training psychologists for the health service and the type and skill mix required for the future. The project team was tasked with, *inter alia*, considering the preparation of a workforce plan for psychological services in the HSE, including an examination of the current framework for training psychologists for the health service and the type and skill mix required for the future. The work of the project team has been informed by a thorough stakeholder consultation process but, unfortunately, due to the recent public health emergency the work of the project team was paused in March 2020 and reconvened in early August 2020. It is expected that the report of the project team will be finalised in the coming weeks for presentation to HSE community operations for consideration. The HSE has indicated that the report will set out the significance of establishing governance and oversight structures; developing a formal and robust system to manage and co-ordinate placements for staff that wish to complete additional placements, either as part of professional development and-or to meet the identified eligibility criteria for employment in the HSE; building communications and engagement processes with cross-sectoral stakeholders; and a review of the current funding model to ensure the appropriate supply of the future psychologist workforce. The Senator will be happy to note that a review of the current funding model to ensure the appropriate supply of the future psychologist workforce is envisaged by the project team.

Underlining the Government's commitment to mental health, budget 2021 saw an increase of €50 million, bringing the total budget to over €1.1 billion, of which €23 million is for implementation of many of the short-term recommendations of Sharing the Vision. This will fund 153 new staff in community mental health services, including 29 posts for child and adolescent mental health services, CAMHS, and telehealth hubs, bereavement counselling, employment supports, crisis resolution teams and development of the national clinical programmes. Some €15 million in once-off funding will address the additional challenges posed by Covid-19.

In 2018, 114 new assistant psychologists and 20 psychologists were recruited to HSE primary care and this has helped relieve pressures and inappropriate referrals to the specialist CAMHS service. There is currently significant health workforce recruitment under way in the HSE. At the end of March 2021, health service employment levels stood at 128,283 whole-time equivalents.

While it is a matter for the HSE at operational level to determine the level of recruitment required across staff categories, given the level of workforce expansion required it is likely there will be additional posts available for professionally trained psychologists.

**Senator Emer Currie:** I thank the Minister for that response. He correctly mentioned the Psychological Society of Ireland, a fantastic organisation in setting out good standards and best practice. I have worked with it regarding a charity called Social Anxiety Ireland. If it is setting out the academic and professional requirements, it will be done with best practice and standards at its core. I am glad to hear that the project team has been reconvened and that a review of the current funding model to ensure the appropriate supply of future psychologist workforce is envisaged by the project team. I emphasise that this is a small measure that will go a long way.

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In the North, they have increased the number of places in training and we need to look to that. Overall, we have to ensure there is a pipeline of qualified, trained, exceptional psychologists, which I know we have, making it through to the front line to help us.

**Deputy Frankie Feighan:** I thank the Senator for the information, especially relating to the North. It is an interesting recommendation. Significant health workforce recruitment is under way in the HSE and more is planned. This is a challenging time for the health sector but there are opportunities for reform and new ways of working. The Minister of State, Deputy Butler, is looking forward to receiving the report of the project team convened to consider preparation of a workforce plan for psychological services in the HSE. The Minister of State and I consider this an encouraging development in healthcare.

Our Department is committed to supporting all healthcare workers having training opportunities and appropriate supervision while training. A lot is happening and I hope we will be in a better space in a few weeks or months time.

### **Abortion Services**

**Senator Paul Gavan:** It is good to see the Minister of State and I thank him for coming in. He will be aware we are coming up on the third anniversary of the historic vote to repeal the eighth amendment to the Constitution.

*11 o'clock*

I was proud to campaign alongside my party for repeal. Unfortunately, I am old enough to remember the first referendum in 1983. I campaigned against that referendum.

After the 2018 referendum, the Minister of State will be aware that the then Minister for Health, Deputy Harris, promised legislation to establish safe access zones outside hospitals. He will also be aware of the commitment given in the programme for Government to establish exclusion zones around medical facilities. However, three years on from the original promise, there is still no sign of that legislation. I wish to ask about the status of and plans for advancing the safe access zones Bill.

The Minister of State will be aware that, every week, there are gatherings outside maternity hospitals by anti-choice protestors. The previous Government promised safe access zone legislation to ensure that these protests would not take place outside those hospitals. There are people monitoring, marching, praying and watching women going in and out of maternity hospitals. Every day over Lent, there were protestors outside the maternity hospital in my home city of Limerick.

I hope the Minister of State will agree with me that women have fundamental rights to privacy and dignity, especially so when they are visiting a hospital. I want him to think about the impact of these protestors on women as they access healthcare across the State. I ask him to listen to the following quotes from women who have encountered these protestors. I am grateful to my colleagues in Together for Safety for supplying them. The first quote is:

She asked me if I had an appointment across the road. I presumed she was making small talk as she also had one so I said yes I did. She told me she and her friends were praying that no babies were murdered in the hospital that day.

A second quote is:

They were sprinkling holy water and saying prayers outside our hospital setting while there is women having miscarriages, or having stillbirths each week or carrying their babies out in white coffins.

A third quote is:

We were attending the hospital because our baby had decreased foetal movements in the third trimester. Thankfully everything was fine, but the experience was pretty terrifying none the less. We are a same sex couple and this made me feel even more self conscious. My wife was heavily pregnant and in pain, I was holding her hand as we approached the hospital, and the all male group of protesters were really intimidating.

These protests, which are happening outside many hospitals throughout the State, are attempting to intimidate and cause upset. They are invading women and pregnant people's privacy and bodily autonomy at a profoundly vulnerable and sensitive time. People should not have to access healthcare like this.

Legislation is promised. Can the Minister of State give me a timeline as to when it will be delivered? I appreciate that the working out of this legislation is complex and that there are competing constitutional rights, but the Department has had three years to do that work, so it should be ready to produce the legislation by now. There are examples of best practice legislation from, for example, a number of states in Australia and a number of provinces in Canada. There is no end of good examples. An excellent research paper has been produced on this topic.

In a previous answer to my colleague, Deputy Cullinane, last year, the Minister assured him that women and healthcare staff "should be assured that there is existing legislation in place to protect them and to protect patients." That statement was not correct. The protesters to whom I am referring are in violation of lockdown rules, but according to the Garda, not of public order rules. We need to see and pass the legislation. I look forward to a response.

**Deputy Frankie Feighan:** I assure the Senator that ensuring access to termination of pregnancy services remains an ongoing priority for the Minister and the Department of Health. The Senator outlined the proposal to draft the legislation to provide for safe access to termination of pregnancy services. It arose from concerns about demonstrations against abortion that took place during and after the campaign for the referendum on the eighth amendment to the Constitution in 2018. At that time, it was feared that protests against abortion, targeting service providers and inhibiting access, would occur once services began to operate. For this reason, it was suggested that safe access to services would be provided for in the Health (Regulation of Termination of Pregnancy) Act 2018.

Since services commenced in January 2019, however, there has been a limited number of reports of protests or other actions relating to termination of pregnancy. This is an extremely positive development, suggesting that termination of pregnancy services have bedded in relatively smoothly to date and are becoming a normal part of the healthcare system in line with Government policy. It is likely that the settings in which services are being offered - general practice and hospitals - have contributed to ensuring safe access to services as attending general services means patient privacy is protected.

In cases where protests have taken place outside healthcare services, I assure the Senator

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that there is public order legislation in place to protect people accessing services, service providers and local residents. Ireland has a considerable body of relevant public order legislation in force, including the Criminal Justice (Public Order) Act 1994, the Criminal Justice Act 2006 and the Non-Fatal Offences Against the Person Act 1997. These statutes balance Ireland's constitutional and European obligations to protect people's rights to freedom of peaceful assembly, freedom of expression and freedom to express their convictions and opinions, with the prevention of disorder or crime, the protection of health and the protection of the rights and freedoms of others.

The Department of Health has provided information on existing public order legislation to the HSE. It has also liaised with An Garda Síochána on safe access to termination of pregnancy services and the Garda National Protective Services Bureau has issued a notice to all Garda stations raising awareness about the issue. The notice directed that any protests be monitored and breaches of existing law dealt with. The Department has informed the HSE that An Garda Síochána advised that service providers should contact their local superintendent to initiate a local solution, tailored to the circumstances and needs of each individual case. This will also establish contacts for the service provider to call upon should the need arise. An Garda Síochána also advised that any protests or actions giving rise to a concern should be brought to its notice.

It is important that women accessing this service can do so with certainty of the quality and safety of the care they will receive. In that regard, the Department continues to work with the HSE to ensure that all women in Ireland can access this service quickly and easily, without bias or judgment and that we continue to provide a compassionate and dignified termination of pregnancy service.

**Senator Paul Gavan:** I am concerned by the Minister of State's response. It seems the Government is walking away from its commitment in the programme for Government to introduce safe access zone legislation. This will be truly disturbing to an awful lot of people in this country given the struggles for many years to overturn that appalling constitutional Act. The Minister of State does not appear to be aware that there are ongoing protests outside maternity hospitals. The response he has given suggests the Government does not believe there is a problem here. The Government committed in the programme for Government to legislate for this issue. The Minister of State's response gives no such commitment. It basically says that things are fine and there is existing legislation in place, if needed. The existing legislation is not working or applicable.

Is the Government walking away from this commitment? If so, it is a disgrace and it will not be forgiven.

**Deputy Frankie Feighan:** Implementing the Health (Regulation of Termination of Pregnancy) Act 2018 and ensuring safe access to services under the Act remains a priority for the Department of Health. It is important that we remain aware that the majority of people in this country voted in 2018 to change our laws to allow greater access to termination of pregnancy services for those who need them. I take on board what the Senator said, but all indications are that these service are operating and available and are being delivered in hospitals and in community settings.

The HSE has advised that feedback from a wide variety of stakeholders, including the Irish College of General Practitioners is that the service has bedded down well. The Minister, Deputy Donnelly, has asked me to assure the Senator and the House that the Department is con-

tinuing to closely monitor service provision. There is regular ongoing engagement between the Department and the HSE to facilitate the smooth running of termination of pregnancy services and to resolve any issues that may arise.

### **Renewable Energy Generation**

**Senator John McGahon:** I thank the Minister of State for coming to the House to take this Commencement matter. I raise it because the idea and commitments on this issue in the programme for Government are excellent. If we can imagine it in layman's terms, it is the concept of people being able to put solar panels on their homes and businesses and farmers being able to diversify into this area by using some of their land for solar power. They would then be able to take the energy generated and sell it back to the national grid. A middle of the road type of person who is environmentally conscious but might be not into climate action or energy as much as other people could look at this and see how he or she could play a part and make some money on the side at the same time. People can do this by applying for a grant, putting a solar panel on their roof and selling the energy back into the grid. It is a great idea and it is good that we will do this.

What are the timelines for the Government introducing this proposal? The problem with the renewable electricity support scheme, RESS, 1 projects being pushed by this is that they are not being delivered at the rate needed if we are to achieve some of our targets. We have not seen any proper work programmes from EirGrid or ESB Networks. Every delay of a day is a day longer. I am hoping to get the Government's view on where its timelines are, what it wants to do about this and how quickly we can deliver these projects. When can we get this set up in such a way that we get the ball moving quickly? I believe we are getting bogged down in the technicalities.

I said earlier that the clock is ticking on this, which means a loss of revenue. It is harming the financial model and the underpinning of the RESS 1 projects. The delivery of the projects is being slightly delayed by this inflexible and rigid process. What pressure is the Government putting on EirGrid and ESB Networks to deliver this network in the first instance in order that people can sell electricity back into the grid?

When I looked at some of the grid integration barriers in a European context, I wondered whether we face the same problems here. For example, solar PV project developers report a general issue with the availability of grid capacity across the Continent. That is something we need to consider here. One of the key reasons for that problem is the insufficient level of investment in grids. What level of investment will the Government introduce? Where investment happens, it is not always targeted at the most optimised technologies. The Government needs to be concerned about that as well.

Another issue is the limited development of the flexibility of resources. Where we can address the need for grid reinforcement and optimise investment levels, solar technology such as batteries and girders has the potential to provide new energy to grid - flexible feed-in reactive power. These services can do a lot to support grid stability in the first instance. I am getting into the technical side. These are a couple of points I looked up in respect of the European Continent.

What I am seeking today is the Government's overall plan on this project, its timelines and

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what it hopes to achieve. This is an excellent project and I am right behind it, as is everyone else, but I would appreciate some clarification from the Minister of State.

**Minister of State at the Department of Public Expenditure and Reform (Deputy Osian Smyth):** It is always a pleasure and an honour to be here in the Seanad. I thank the Senator for raising this important issue, which I am very happy to address on behalf of the Minister for the Environment, Climate and Communications, who cannot be here.

Under the programme for Government and the Climate Action Plan 2019, Ireland has adopted a target of at least 70% renewable share in electricity production by 2030, including up to 1.5 GW of solar. This will contribute to meeting the Government target of reducing Ireland's greenhouse gas emissions by 51% by 2030 and meeting the long-term target of climate neutrality by 2050. The higher level of ambition set in the Climate Action and Low Carbon Development Bill will be reflected through a new set of policies and measures in the 2021 climate action plan. A public consultation is currently under way and we are looking for expert evidence from scientists, and input from householders, citizens and communities to help chart that journey to carbon neutrality.

The Department of the Environment, Climate and Communications is supporting the rapid deployment of renewable energy projects and the efficient connection of onshore wind, solar and offshore projects through regular competitive auctions under the renewable electricity support scheme, RESS, as well as through enhanced regulatory rules for connecting projects to the grid and modernisation of our offshore planning system. Solar energy projects were a key part of the success of the first RESS auction held last year, accounting for more than 60% of the successful capacity. The programme for Government commits to building on this success by ensuring that greater shares of our electricity needs are met through solar power through the development of a solar energy strategy for rooftop and ground-based photovoltaics. Detailed work is under way in the Department on the planning and design of the second RESS onshore auction and it is anticipated that a large volume of solar projects will be eligible to compete in it. A timetable will be published in the coming months, which will set out the key milestones in the competition, including consultation on the terms and conditions, the qualification process and the auction bidding window. Those are major projects that will come through auction.

Regarding solar community energy projects, two significant challenges to the development of community energy in Ireland have traditionally been the route to market and access to grid. I am pleased to reflect now on the substantive progress on both issues. A new route to market has been provided for communities within the RESS, in which the first auction included a dedicated community projects category. Seven projects were selected for support. It is the Minister, Deputy Ryan's, intention that communities all over the country should be able to generate electricity and reap the benefits in their own localities from the sale of that electricity. He aims to ensure the delivery of 100 community electricity generation projects by 2030. To ensure an adequate pipeline of such projects, the Minister has allocated an additional €3 million in capital funding this year for the Sustainable Energy Authority of Ireland, SEAI, to stimulate locally-owned community energy projects. This funding will enable the SEAI to deploy a range of capacity-building supports, including information dissemination, trusted intermediary and adviser services and financial supports such as enabling grants. The initial elements of this service are up and running, such as a dedicated phone line and an appointed trusted intermediary.

Grid connection policy, administered by the independent energy regulator, the Commission for Regulation of Utilities, CRU, has recently opened up a simplified process for communities

seeking connection to the national grid for community projects. This is known as the enduring connection policy. It provides for a separate strand within the framework process, facilitating 15 community projects a year. Both the grid process and the RESS route to market will facilitate more community solar projects in the coming years.

The programme for Government commits to expanding and incentivising microgeneration, including roof-top solar energy to help citizens generate their own renewable electricity and to sell it back to the grid in 2021. A microgeneration working group, chaired by the Department of the Environment, Climate and Communications, is developing an enabling framework for microgeneration that tackles existing barriers and establishes suitable supports within relevant market segments. The proposed support mechanism was outlined in a public consultation, which closed for submissions on 18 February, and the submissions received are being reviewed. While the primary aim of a microgeneration scheme is to enable a household to meet its own electricity needs, it is envisaged that a suitable payment for excess electricity generated on-site and exported to the grid will be available to all microgenerators in the second half of 2021, subject to regulatory arrangements, in line with Articles 21 and 22 of the recast renewable energy directive.

The CRU published an updated roadmap for the clean energy package's electricity and renewables directives in February, which provides for a public consultation on the regulatory framework for consumer development later this year. The document is available on the commission's website. The commission is also reviewing the connection policy for microgeneration in the 12 kW to 50 kW range under the existing provisions of its enduring connection policy to assess how to facilitate greater numbers and ease of connections.

**Senator John McGahon:** That is an excellent, detailed response, which I was hoping the Minister of State would bring to the House. I thank him. It is good to see that the Department of Housing, Local Government and Heritage is going to review the existing planning exemptions for rooftop solar panels and that it will be brought before the Joint Committee on Housing, Local Government and Heritage in the next couple of months. That is exactly what I hoped to hear because that is what I am talking about. I want to know how can Joe Soap or the average person be able to do that. It is important that we review the planning side and that the Department is able to look at it.

Finally, it is great to see that the timeline will be published in the next couple of months about the consultation period and the terms and conditions. It is really great to see that the Department has already got the RESS 2 side working towards it too. I thank the Minister of State for the response and it is exactly what I hoped for.

**Deputy Ossian Smyth:** I thank the Senator. Yes, and we need all three elements. We need large-scale renewables connected to the grid. We need community renewables. We need people to have a sense of ownership and a sense that their community owns the local generation capacity. We also need a situation where people, when they are not at home, can sell their electricity back to the grid when they feel that it makes more sense.

I want to state that the Government is committed to achieving net zero emissions by 2050 and an annual reduction of 7% in overall greenhouse gas emissions to 2030, including through maximising the amount of renewable energy on the grid. Future advances in system flexibility, technology, diversity, including solar, onshore and offshore wind, hydro and ocean, microgeneration and storage technologies, as well as regional and international connection, will enable

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very high levels of renewable electricity on our grid. This is a challenge and at the same time an opportunity for Government agencies, industry and stakeholders to work together to deliver a net zero economy and meet the ambitions set out in the Climate Action and Low Carbon Development Bill. The forthcoming climate action Bill later this year will further step up our ambitions with the necessary actions to ensure that the cross-Government effort that is required is being implemented and monitored effectively.

**Acting Chairperson (Senator Pat Casey):** I thank the Minister of State for his reply and I am sorry for having to cut him short earlier.

### **Schools Building Projects**

**Acting Chairperson (Senator Pat Casey):** I welcome the Minister to the House and thank her for her commitment to the Seanad. It is appreciated.

**Senator Pauline O'Reilly:** It is good to see Senator Casey in the Chair today. I thank the Minister for Education for coming in to the Seanad today and it is very much appreciated.

I wish to refer to the Galway Educate Together Secondary School and Cuan na Gaillimhe Community National School, which is a Steiner school. I have spoken to the Minister about them before and I mentioned one of them on the floor of the Seanad during the Order of Business. It took many years of activism and parents really pushing for the Galway Educate Together Secondary School to get the go-ahead in Galway. There are a number of Educate Together national schools in Galway and now we have the first Educate Together secondary school for the whole county so it covers a couple of catchment areas. At the moment the secondary school has 87 pupils between first and second year. Next year, there will be a new intake but that has been capped at 48 students purely on the basis that there is not enough space. This should be a school that can take up to 1,000 pupils but it has such a small footprint and prefabs are stacked on top of each other. I know the school staff and they are wonderful. I am very proud that we have this school in Galway. I am very proud of the work of the teachers and they have been really patient. I know that the Department has helped them in lots of other ways because of the space problem. The need is urgent now because come September 2022, the school will be unable to take anyone else. We all know and understand that there is a period between planning and things progressing to the next stage. However, a signal needs to be sent to the teachers because they have waited patiently for so long and I would hate that we could not give them some good news.

I was involved in the setting up of Cuan na Gaillimhe, in putting in the application a number of years ago, and we got the go-ahead in 2016 along with an Educate Together school. It started for two years in a building with an insurance company on the first floor. The school has now moved into prefabs located at the back of the Knocknacarra Educate Together school and Cuan na Gaillimhe has been there since 2018, waiting to hear. The Minister will know that the patronage was transferred from Lifeways Irelands to Galway and Roscommon Education and Training Board, GRET B, in 2019. Regardless of this, those children are children wherever they are. They and their parents need some certainty that they will be able to move on. I understand that it may be as long as 48 months before the school will be able to move and that there is still no concrete indication as to whether space will be available on the grounds of another school, one of the sites being considered. However, the school will have an enrolment of 94 by September, comprising new students and those already there, and there is no space to expand

further. The school has applied for a grant for emergency works. I understand this was turned down but that it is being appealed. It is important to realise that, even if this grant was given, the works would not be completed by September so we are talking about preparations for the following year. In addition, there is no space for students with special needs. Neither school has an autism spectrum disorder, ASD, unit. I ask the Minister to expedite this matter and to see what she is able to do.

**Minister for Education (Deputy Norma Foley):** I thank the Senator. I know these two cases are of particular interest to her. I acknowledge that she has raised these issues consistently. To give the background as to where we are within the Department, following a demographic exercise carried out by the Department into the future need for primary and post-primary schools across the county for the period from 2019 to 2022, the requirement for a new 1000-pupil post-primary school to be established in 2019 to serve the east side of Galway city and Oranmore school planning areas as a regional solution was announced by Government, as the Senator has alluded to. In October 2018, the patronage of the new post-primary school was awarded to Educate Together. The Department has identified the eastern environs of Galway city and Oranmore as the location for the school to best serve the demographic demands of these school planning areas.

The Educate Together secondary school opened in September 2019, as the Senator outlined, in interim accommodation at Grianach House, Merlin Park, Galway city, pending delivery of its permanent accommodation. Departmental officials are working closely with officials of Galway County Council and Galway City Council under the memorandum of understanding regarding the identification and acquisition of a suitable permanent location for the school. The potential requirement for the permanent site to accommodate a temporary school while construction of the permanent building is ongoing is also being taken into consideration. A number of site options have been identified and are under active consideration. These include a zoned site. Discussions with relevant stakeholders with regard to the provision of access and services to this particular site are ongoing. Due to commercial sensitivities, it is not possible to provide further information on these options at this point. However, as soon as it is possible to do so, I will make that information available.

With regard to Cuan na Gaillimhe Community National School, the requirement for a new site for the provision of an eight-classroom primary school, extendable to 16 classrooms, with a special educational needs space for the school was established in September 2015 when it opened in temporary accommodation on a site shared with Knocknacarra Educate Together National School, which is accommodated in a permanent structure. Cuan na Gaillimhe is a multi-denominational co-educational school located in the Galway school planning area. The school opened in September 2015 under the patronage of Lifeways Ireland with an enrolment of ten pupils, which has since increased to 66. In August 2019, the patronage changed to GRETB.

A project for a new school building for Cuan na Gaillimhe is on the Department's six-year capital programme. In line with the policy on the use of State assets, the Department is seeking to maximise the use of sites in the Minister's ownership and other available properties in the ownership of State bodies. The Department also consults with local authorities, in line with the memorandum of understanding for the acquisition of school sites, to assist the Department to identify suitable sites and to seek the views of the local authority with regard to any potential site options. As the school is a community national school, of which the ETB is the patron, the site acquisition has been devolved to the ETB, which is currently working closely with the council. Discussions between the ETB and the council in respect of the acquisition of

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the preferred site are at an extremely advanced stage. That is the up-to-date situation from the Department's perspective.

**Senator Pauline O'Reilly:** I appreciate that update and I thank the Minister for putting this high on her list of priorities. We recognise that that multidenominational aspect is in the programme for Government, which contains a commitment around having 400 multidenominational schools. We need to make sure they also have the school buildings and that we are not just allocating patronage. I know the Minister understands this and she has made that commitment.

One of the issues is that, given many new schools are multidenominational, it means many of the children in those schools are faced with temporary accommodation, so we need to do what we can to expedite this. Planning is obviously an ongoing issue in many areas across local government, and schools are no different.

As it is on the east of the city and it has such a wide remit, school transport is also an issue. Given the small number it can now take in and the fact there have to be ten pupils from an area, it becomes very difficult and it means no school buses are coming from the east of the city, and none from Oranmore or beyond. That also needs to be addressed if it is to truly cater for the demographics. Ethos is not really fully taken into account either and, again, this means it becomes more and more difficult.

**Deputy Norma Foley:** I thank the Senator. I again acknowledge her personal engagement on an ongoing basis in regard to these two schools. I commit that we will expedite them as quickly as we possibly can. As the Senator will appreciate, there is a considerable body of work when a number of different sites have to be technically assessed, but we will do all we can to expedite this as quickly as possible.

In regard to the emergency works at Cuan na Gaillimhe, again, we will take a look at that and see what the situation is. With regard to school transport, the Senator makes the point on the requirement to have ten pupils. Given the current situation, we will also take a look at that.

I am very conscious of the role of staff in the school community and the imposition that is placed on them when they are in temporary accommodation. I do not for one minute underestimate the difficulty, particularly given that the challenges are all the more heightened and enhanced in the current climate. I acknowledge the very high standard of work and the generosity that comes from school communities that are in situations such as has been highlighted by the Senator for these two schools. I give the Senator the assurance that we will expedite and move forward as quickly as we possibly can.

### Departmental Records

**Senator Eugene Murphy:** Before I move on to my main topic, I want to take this opportunity to commend the Minister for all her work in education. A lot of it is done early in the morning and late at night, and I often text the Minister with a problem and she always gets back to me. It is generally recognised that, through the most difficult period many of us have seen in our lives, she has acted in a fantastic manner and given great leadership. Having somebody doing the leaving certificate in our own home, I know that the moves she made to help are very much appreciated by students and parents throughout the country.

I want to deal with the issue of the records of the Land Commission. The Land Commission was created in 1881, originally as a rent fixing commission. Of course, it was then given responsibility for the distribution of farm land in most of Ireland. It was a 32-county organisation but, after independence, the records of Northern Ireland were separated and the records in the Republic are now held in Portlaoise. In 1885, the Ashbourne land Act allowed the commission to break up estates and facilitate tenant purchase. The Land Commission oversaw the transfer of 13.5 million acres of land, an extraordinary amount of land.

I believe a pathway could be found to perhaps get access to some of those records, for good reasons. All history records, wherever they are, will contain good stories and bad stories. This is an untapped resource. If there were greater access to the records, which are very limited in the Republic, it would generate great interest in our culture and history and promote tourism. Not only would the opening of some of the records for each county give us great insight into how things were done but there would also be a massive benefit, even in terms of employment. It would really show us how population movement occurred during the times in question and how getting Irish Land Commission land led to the formation of villages and towns.

My information is that there are in excess of 50,000 boxes of records held at the Department of Agriculture, Food and the Marine buildings in Portlaoise. As the Minister probably knows, there are two components, namely a records branch and an administrative branch. Based on the research I have done, there could be up to 100,000 maps and 50,000 boxes in the records branch. There are more than 70,000 items in the administrative branch.

I am interested in how the breaking up of the big estates happened and the difference it made. It would be really fantastic if we could consider a pathway towards opening up the records further. I understand there are GDPR issues and that there are probably controversial issues also but I believe much of the information would be very good to have available and would be of great benefit to society.

It is important to point out that there is greater access to the records in Northern Ireland and that there has not been any great difficulty there. We could consider making some changes in this regard. There is a lot of work to be done on the archives by historians. I would like the Minister to take this on board, raise the matter with her Government colleagues and see whether some progress can be made on it. I thank her for being present to deal with this query.

**Deputy Norma Foley:** I thank the Senator. I am commenting on behalf of my colleague the Minister for Agriculture, Food and the Marine, Deputy McConalogue, who, due to a prior commitment, is unable to be here. For the record, I will read his response.

He has made inquiries into the matter. The position is that there are no immediate plans to make the 8 million or so records of the former Irish Land Commission generally available to the public for research purposes or otherwise as they are still working documents. While the question specifically refers to records from the period 1870 to 1921, it is not feasible to separate out those records as they were lodged by reference to the estate to which they relate and not by date. Any given estate file could hold records covering the entire period of operation of the Irish Land Commission.

When the commission ceased functioning in 1992, its work was unfinished. The Department was charged with completing the work of the commission and, as such, the commission's records are still working documents, accessed by departmental staff daily. While officials in the

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Department are aware of the interest of the public, historians and genealogists in obtaining access to the vast depository of documents relating to the former Irish Land Commission, opening up access to these files cannot be considered until appropriate measures are undertaken to minimise potential damage from routine handling. The records, which are stored as a departmental facility in Portlaoise, exist in paper format only and are fragile. Some date back as far as the late 1800s and comprise a resource that would be irreplaceable if damaged. To maintain them, it is essential that they be handled and stored appropriately.

While limited access has been granted to researchers on application, on a case-by-case basis, the office does not provide a research facility as the provision of such a service would require much greater resources than those currently available. Wider access will be a matter for consideration when the completion of the work of the former Irish Land Commission is at a more advanced stage. However, the Department is examining the possibility of digitising certain key search aids, which will enable electronic searches to be carried out by members of the public to ascertain whether specific records exist. This work is at an early stage and a process of internal consultation between legal services, IT and the procurement division is taking place.

Furthermore, the Department has signed a memorandum of understanding with Trinity College Dublin on the Beyond 2022 project, which has undertaken an initial scoping of the pre-1922 Irish Land Commission records. That project is working to recreate the records lost in the destruction of the Public Records Office of Ireland at the Four Courts in 1922.

**Senator Eugene Murphy:** My thanks to the Minister for bringing that reply to the House. It is an acknowledgement that something is happening, and that is to be welcomed. I have to accept there are some working documents in place that the Minister for Agriculture, Food and the Marine cannot release, but I imagine we could consider releasing some of the material in some areas.

I am talking about the records in the context of a fantastic tourism, history and heritage building in our area, the National Famine Museum in Strokestown. When things get back to some normality I intend to invite the Minister there. A local businessman, Mr. Callery, bought it some years back and he saved so many records. It is amazing how it has led to a tourism product that, before Covid-19, was bringing in 70,000 people to our town and area. There is a major beneficial effect from this. I would like to see the matter developed further. I appreciate there are difficulties, as I mentioned earlier, but it is good to get an answer that something is happening.

**Deputy Norma Foley:** My thanks to the Senator for his kind remarks at the outset. I acknowledge and appreciate that this is a matter close to his heart. I acknowledge the bona fides with which he brings such a proposal. As he outlined, it has particular scope and benefit by reference to local historians, genealogy, researchers, diaspora tourism and so on.

As he will appreciate from the relevant Minister's notes, it is a work in progress. As he said, there are positive indications that there is forward planning, including in the digitisation of records. In itself this would be a considerable advancement. Steps are being taken, in the longer term rather than the shorter term, to advance this, as the Senator indicated.

**Acting Chairperson (Senator Pat Casey):** Thank you again Minister for your commitment in the House.

*Sitting suspended at 11.40 a.m. and resumed at 12.05 p.m.*

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

**Senator Regina Doherty:** The Order of Business is No. 1, motion re the Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2021, back from committee, to be taken on the conclusion of the Order of Business, without debate; No. 2, statements on the European digital green certificate, to be taken at 1.30 p.m. and to adjourn at 3 p.m., with the opening contribution of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, notwithstanding anything in Standing Orders, the Minister to be given not less than eight minutes to reply to the statements made on this day and then the statements to be thereupon adjourned; No. 3, Education (Leaving Certificate 2021) (Accredited Grades) Bill 2021, Order for Second Stage and Second Stage, to be taken at 3.15 p.m., to conclude at 5.35 p.m., with the opening contribution of the Minister not to exceed ten minutes, group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes, and the Minister to be given not less than eight minutes to reply to the debate.

**Senator Lisa Chambers:** I wish to raise today the ongoing restrictions in maternity hospitals. A number of Members have raised this, as have I. I am really not sure who is making the rules or what exactly is going on across the country because it appears to be a postcode lottery. We have varying degrees of restrictions, but it seems to be the general rule of thumb that a partner can now attend the anomaly scan but no scan before that; can attend for the birth of the baby but not for the active labour before that; and that there are limited restrictions afterwards. Let us be very clear: this is barbaric, it is cruel, it is unnecessary and it has to stop. We are 14 months into this pandemic and they still have not found a solution to make this happen. A partner is not a luxury at the birth of a baby. They are there for the physical and mental support of the mum, and they are also present for the birth of their child. It is an important point for them. We saw reports last week from the Psychological Society of Ireland that it now has evidence that this is directly impacting negatively on the mental health of women but also increasing anxiety among partners, who are sitting in parking lots waiting for that phone call so they can run up the stairs and hope to make it to the birthing suite on time. This is what is happening every hour of every day in hospitals. I went through this myself last year and I can attest to how traumatic and awful the situation is - to be in a position where one's partner is frogmarched out of the hospital and not allowed back in and one is heading into the birthing suite wondering if they will make it on time. Some people have not.

Yesterday, the HSE chief executive, Paul Reid, made a statement on the matter. To paraphrase his statement, he said that given the way things are with the pandemic right now, restrictions should be lifted entirely. Dr. Colm Henry said he is going to write to all maternity units to advise them of this and to ask them to remove restrictions, yet we know this morning that some hospitals are still reluctant to do this. Who is making the decision? Is it the Minister for Health or the chief executive or do hospitals do their own thing? Who do we listen to? Right now, it feels like we are not listening to women. Once again, we are ignoring the voices of women in the health service. It is not that we are not used to this, it has happened before on many issues, but it is 2021 and the women of Ireland deserve better from their health service. We in this House want to know what is the next step and when the restrictions will be lifted because they should be lifted immediately.

I wish to raise one more issue that is not as pressing. Thank you for your latitude on that particular topic, a Chathaoirligh. Sunday, 9 May is Europe Day. From my party's perspective,

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we are really proud of our history and our heritage, that we were the party that led this country into the European Union back in 1973, after a ten-year campaign. It was not something that happened overnight. It is important that on Europe Day, as an active and committed member state of the European Union, we celebrate that we are a member of the European Union and that we commit to its core values of democracy, human rights, transparency and espousing progressive and liberal values that the European Union pushes for and holds dear to itself.

As a member of Renew Europe, our sister party in the European Union, I thank my colleagues, Billy Kelleher MEP and Barry Andrews MEP, for their work within that party. It is a centre-ground party with progressive liberal ideas and will be joining with us on Sunday to celebrate Europe Day on behalf of Ireland, one of the key member states.

**An Cathaoirleach:** Anois, leading off for the Independent Group is Senator Rónán Mullen. Before you begin, I express my condolences to you and to all the Mullen family on the sad passing of your father.

**Senator Rónán Mullen:** I thank the Cathaoirleach for his kind words. I will start by thanking colleagues here for the very kind words of sympathy they expressed in this House last Friday after the death of my father. Our family appreciates that very much indeed. Thank you.

Today I would like to say a little bit about the Government's proposed hate speech legislation, the criminal justice (hate crime) Bill 2021, the general scheme of which was published recently. I have concerns around the idea that the penalty for certain crimes increases where satisfactory evidence is brought, for example, of an underlying attitude of racism or any other attitudes towards protected groups. I am concerned that this would create an imbalance in our criminal law with the potential to create a hierarchy of victims. It seems to me that if a person assaults somebody because of a love of violence or hate for the other person's family, it is no more or no less serious than if a person assaults somebody because of underlying racist attitudes. The mistake we are at risk of making is between punishing people's acts, which we must always do, and tackling the evil attitudes that underlie such acts, which are really a matter for education and public education. I do not believe we can legislate to punish people for particular attitudes that society at a particular moment in time wants to condemn. There is a danger that we will create an imbalance or a hierarchy of victims. I believe we need to think about this very carefully. We should have a discussion about it. I assume the proposed Bill will go to pre-legislative scrutiny. I speak in the context of the legislation in the House before Christmas, the Harassment, Harmful Communications and Related Offences Act 2020. However important and valid the issues it was seeking to deal with, the legislation went through the House far too quickly and I feel that we did not do our job properly as a legislature in considering the detail of it.

One particular issue in this proposed Bill leapt off the page to me, which is that head 3 proposes an offence of incitement to hatred. Essentially, this modernises and adapts the provisions of the 1989 Act with regard to statements designed to stir up hatred. I am all in favour of that modification of the law but it goes on to say that it shall be a defence where it can be shown that the communications are a "reasonable and genuine contribution to literary, artistic, political, scientific, or academic discourse." A notable omission is religious discourse. I find this remarkable because there is particular protection in our Constitution for the practice and free expression of religion. By leaving this out of the acceptable defences it seems to me there is a disease of wokeness around somewhere when such legislation is being planned. First of all, people are not thinking about what the Constitution requires. Second, it does not even ac-

cord the same level of protection to religious discourse as it would to political or other named categories of discourse.

There was a troubling video online recently of an elderly man in England who was reading the Bible from a soapbox. He was arrested in a gruff manner by the police under hate speech laws. Nobody was offended by what he had said and people were objecting to what the police were doing. We need to be careful here. Is there to be a hierarchy of people in our society who have the right to free speech? Is there a hierarchy of victims when it comes to punishing crimes? We need a discussion on this issue. I hope this proposed Bill goes to pre-legislative scrutiny. I ask the Leader to arrange a debate on this where Members can respectfully exchange ideas and do our work on this very important area that will impact in a big way on our culture.

**Senator Marie Sherlock:** We are on the cusp of seeing a significant reopening of society and the economy this Monday. Obviously, this is a very exciting development in the context of the pandemic. However, we have no guidance as to when dance, drama or music classes can recommence. I ask that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, Deputy Catherine Martin, be written to in order to produce that guidance. I do not need to repeat to the House how serious it is for dance, music and drama schools across the country and for their teachers with the lack of in-person classes. These classes have been suspended since the introduction of level 3 restrictions, which go back for the whole country to last October, and for those in Donegal and Dublin to even before that. It seems we have in this country a very narrow view of or perspective on what is essential education. These classes are vital to the growth, development and mental health of children. That is before we even start talking about needing to feed the creative element in their lives. We need to see the guidance as soon as possible.

I propose an amendment to the Order of Business, that No. 10, the Protection of Employment (Platform Workers and Bogus Self-Employment) Bill 2021, be taken before No. 1. In recent years, we have seen the growth of platform work throughout Europe and the world, including in this country. While food delivery cyclists have very much been the public face of platform work, we know it exists in many other sectors such as media, content production, graphic design, web maintenance and a whole host of others. We have reached the stage that we now need to regulate and recognise platform work as a form of work in this country.

The Labour Party view is that while we should not make all work standard, we need to make all work decent. At the heart of platform work in this country and elsewhere is an enormous imbalance in the power between platforms and workers in terms of how pay is set and the ability of platforms to be able to hire and fire at will. In addition, there is no access to information on how the algorithms manage and pay workers. It is not acceptable in 21st century Ireland that workers are forced to work below the national minimum wage and in what I consider to be bogus self-employment. This means they are unable to access the protections of the State because they are engaged in this type of work. That is why we are introducing this Bill.

The Bill seeks to do three things: regulate and recognise platform work in our labour code; stamp out bogus self-employment, which is why we have a provision for a presumption of employee status for all workers; and change the balance of power between platforms and workers so workers can access information about the algorithms that manage their performance and how work is offered to them.

I recognise many Senators are very concerned about this issue. Considerable work has been

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done on this by members of other parties, which is to be very much welcomed. I hope we can bring forward this Bill and have a debate in the House on it.

**Senator Pauline O'Reilly:** Ballots are being counted at the moment in the UK and I wish my colleagues in the Green Party in England, Scotland and Wales all the very best this week. There are 13 directly elected mayors in the UK so it is an exciting time and a good signal to us in Ireland that we need to step up when it comes to this issue. Much can be achieved by having a democratic process that gives people the ability to vote for mayors, rather than the almost politically orchestrated process we have in this country. To have decision-making at the lowest effective level is a matter the Green Party has led on for a very long time. I wish my colleagues in the UK all the best.

It is obviously exciting for me, and the planet, that we could see the Green Party in government in Scotland, which could also achieve independence. Quite apart from that, this week was the first time 16-year-olds in Wales got the opportunity to vote. Again, Green Party members have been calling for the implementation of this measure for a long time. If we want to engage people in politics, and we do and should, they need to be engaged as early as possible. It needs to go right through our education system, but in order for it to have meaning people must have a vote to express all the things they are feeling. There is no point in providing education for something that might happen in several years' time. The responsibility to vote needs to be imminent and in people's hands. It is an exciting week in Wales.

I echo what the leader of the Fianna Fáil Group, Senator Chambers, said in relation to partners. This is something I brought up last Friday and the Leader has brought up herself on a number of occasions. I am particularly frustrated at the postcode lottery, which I also raised last week, which is the fact that in Galway partners are allowed in for one hour a day when the baby is born. In the rest of the north west there is no visiting allowed yet in some of the hospitals in Dublin it is three hours a day. There is no real excuse for that other than the fact that we need to support the hospitals and the midwives in order to achieve that balance. There is nothing in the world of a difference between a woman, a baby and a partner in the west of Ireland and in Dublin. Why we cannot show quality on this issue is quite frankly beyond me. We need to step up now. I heard Paul Reid this morning saying that there is no reason not to allow partners in. Whatever the blockage is we need to fix it and ensure that babies get what they need as well from their parents.

**An Cathaoirleach:** Gabhaim buíochas. I call now the leader of the Sinn Féin grouping, Senator Ó Donnghaile.

**Senator Niall Ó Donnghaile:** The informed speculation in recent days that the British Government intends to legally grant an amnesty to its armed forces and to renege on the Stormont House Agreement is a retrospective licence to kill. Although this is shocking it will not come as a surprise to the thousands of relatives grieving for the loss of a relative killed by the British crown forces.

The peace process in the North has brought significant benefits to all of our society and Ireland is a better place because of it but the full benefits of peace have yet to touch the greater number of relatives who lost a loved one at the hands of the British crown forces where it matters most to them, which is in getting the truth and justice for their lost loved one. What matters most to the British Government is to protect the killers and its armed forces and to deny and block relatives from getting truth and justice.

A week does not go by in the courtrooms in Belfast where human rights lawyers are not battling for truth and justice for relatives. They are being opposed with the infinite resources of the British state, including the PSNI, whose reputation among nationalists on this issue is in tatters.

Britain's armed forces killed with impunity and now they could benefit from legal immunity and from amnesty. The pain involved in the search for truth and justice by relatives can be seen practically every day in the media in the North. A snapshot in Wednesday's *Irish News* reflects the scale of the loss and of the time that people have been waiting for truth and justice. The paper covered the stories of six families, one a schoolboy, Patrick Rooney, aged nine, the first child to be killed during the conflict. It also mentions three others - Hugh McCabe, Samuel McLarnon and Michael Lynch, all of whom were shot dead by the RUC on 14 and 15 August 1969. The Ombudsman's report into the killings this week said "that there was no effective investigation into these deaths by the RUC".

No member of the RUC was arrested or prosecuted for the killings. The newspaper covers the trial of two British soldiers accused of the murder of Joe McCann. He was shot in the back by British paratroopers in April 1972. The case collapsed this week. A former senior British officer, Colonel Richard Kemp, told Radio Ulster that "the families do need justice and I think the families got justice when Joe McCann was shot in 1972". That is typical of the mentality of not just British soldiers. The newspaper also covered the inquest into the killing of Derry woman Kathleen Thompson, aged 47, by the British army in 1971. The Thompson family are facing further delay as those accused claim ill-health and frailty of mind, which is a familiar tactic used as reasons for not attending the inquest and of it then grinding it slowly to a halt, thereby denying justice to the family. These heartbreaking human stories are but a small sample of the thousands of people denied truth and justice but at least the denial is in the media for all to see.

The British Government's plan not only exonerates the killers but it hides its actions from public scrutiny. At all levels from the British Prime Minister, Boris Johnson, through its military establishment and justice system, justice is being corrupted to protect and cover up state killings. The fact that this announcement is expected to be made on the same day that the findings of the coroner's inquest into the massacre at Ballymurphy are published shows just how callous this move is and just how little regard the British state has for its victims here in Ireland.

I welcome here the statement from the Minister, Deputy Coveney, on behalf of the Irish Government that it is as opposed to "a suggestion that the British Government would act unilaterally to legislate to prevent prosecutions, or the possibility of prosecutions happening, related to the Troubles". He went on to say: "Victims and Northern Ireland must be the priority and the only priority."

I call to the Leader to allow statements on legacy and on the Stormont House Agreement to be held in the Seanad during one of our two sittings next week. It is crucial that victims and campaigners hear a parliamentary response to this from Dublin but it is equally important that the British Government hears one too. I hope that colleagues across the House will support me in that endeavour and that she can make arrangements urgently to facilitate that. Gabhaim míle buíochas.

**An Cathaoirleach:** I thank the Senator for raising that issue. I was with the Senator in Belfast for the Ballymurphy inquest. It is shocking that it has taken so long for inquests to take place into so many killings in Northern Ireland. For anyone to act unilaterally against an agreement between two sovereign states would be "beyond the pale", to use another phrase.

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I call Senator Ruane, the whip for the Civil Engagement Group.

**Senator Lynn Ruane:** Today, I will raise a local issue, something I tend not to do. It is so local that it involves my community in Killinarden. The reason I raise it today is that we have had little progress in trying to deal directly with the Department of Social Protection on the issue, which is the hot school meals programme. Killinarden is one of the largest, if not the largest, housing estates in Tallaght west with some of the highest rates of poverty. The local schools are Sacred Heart junior and senior schools, Cnoc Mhuire junior and senior schools and the Gaelscoil, Scoil Chaitlín Maude. They came together to work collaboratively to apply for the programme as a consortium for all the children, because different age groups go to the junior schools and the senior schools and they might be from the same families. The Department of Social Protection removed one school from the consortium and provided the hot school meals programme to all the other schools. This means somebody could have a child in junior school who does not receive a hot meal while the person's other children in the senior school do, or the person's next-door neighbour whose child goes to the Sacred Heart school does receive a meal and the person's child does not. The Department removed one small school from the consortium. It just picked it out for no apparent reason and decided not to provide the school with hot meals.

That does not make sense. We recognise that these are families who experience poverty and live in consistent poverty. There are many one-parent family households. The schools and the community need those meals, but for some reason this decision was made. The only answer we have received is that the Department can only give it to so many schools and so forth. There is no idea of looking at the demographics or geographics of that community or the implications for just one family household. It does not make any sense. One of the words used in the response is that it is a "lottery" system. It worried me that the inclusion officer would say it is a lottery system. If one is dealing with poverty and its impacts, and if one is assessing schools on the basis of need, it does not make sense that a lottery system would be used to determine how in-need a community is. One should look at the application, the statistics and why that community would require the support.

I do not usually bring local issues such as this before the Seanad, but we have tried a number of other avenues. I ask the Leader for her support and to communicate with the Department of Social Protection to try to create some leeway so we do not create further inequalities in a community that experiences inequality. Removing one junior school from that programme is creating a further inequality in that community.

**An Cathaoirleach:** I thank the Senator for raising that issue. I know it is a local issue, but it is an important one. It might be a matter the Senator could raise as a Commencement matter for the Minister to answer.

**Senator Fiona O'Loughlin:** When I spoke in the Seanad last week I raised the issue of maternity services restrictions, which is on many Members' minds today. I am glad there was clarification from on high, but there does not seem to be the same clarification in the three maternity hospitals and 16 maternity units around the country. It is beyond time that partners were allowed to attend for scans and the full labour.

I now direct the Leader's attention to the time after childbirth and the first 12 months of a baby's life. Any mother can attest to the wonderful joy, sleepless nights and the challenges this time can bring. Having developmental checks is extremely important for a child aged

between nine and 11 months. Understandably, public health nurse visits and screening checks have been curtailed and delayed as a result of the restrictions, but we are at a point now where there is an absolute need for clarity. These assessments are very important because they assess a child's physical development, motor skills, eyesight, hearing, speech development and social and emotional behaviour. This should be carried out by a public health nurse. I was shocked to learn that 3,235 babies in Kildare and west Wicklow are still waiting on that nine to 11 month developmental check. We all talk about how important early intervention is and this is the time when many of these issues can be picked up. This is adding to the stress of first-time parents and there is an absolute necessity for a plan to be put in place. I call on the HSE to urgently roll out a catch-up programme for Kildare and west Wicklow. I have no doubt it is the same around the country.

**Senator Paddy Burke:** I would like to be associated with the vote of sympathy to Senator Mullen on the death of his father. It is not an easy time when one loses a loved one, so I wish the Senator well.

We had a great debate here on tourism with the Minister, Deputy Catherine Martin, a number of months ago but we should have a rolling debate on tourism and the opening up of business, particularly small business in the tourism sector, such as small pubs and small restaurants. I presume it will be a while before they open and some may not open at all. That will cause many difficulties for those small businesses because they will have creditors to pay, there will be lots of bills and there will be staff redundancies. We need a debate on this because it will be a difficult decision for many small businesses whether to open. If they open, can they compete and will their premises be big enough? In many cases, they will not. I can see how the larger premises, particularly ones with outdoor areas for barbecuing and that sort of thing, will survive. Hopefully, the vast majority will survive and grow again but I can see many difficulties for small pubs and restaurants with limited seating and, maybe, no outdoor area. They will face harsh decisions and I hope we have a tourism debate and see if we can do something extra for those people.

**Senator Sharon Keogan:** I lend my voice to the outcry against the mass purchasing of newly built housing units. The news headlines this past week have been salt in the wounds of many in this country whose hope of owning their own home is fast fading. The complexities of the housing market do not often lend themselves to easy fixes. Surely this makes it all the more important to seize the opportunities we see to put a quick stop to bad practice. In this vein, the recent comments from the Minister for Housing, Local Government and Heritage and the Taoiseach expressing their dismay at this occurrence are welcome. However, words come cheap unless they are printed on Oireachtas paper and signed by the President. Let us see the legislation put before these Houses that will see new homes going to new buyers and not overseas speculators.

Houses will solve this housing crisis. The Government recognises this, which begs the question as to why county councils around the country being told to dezone fully serviced sites. Meath could deliver 10,000 homes to the people of the county and yet the Planning Regulator and Minister continue to artificially suppress this number by throttling the ability of the county development plan to meet the needs of local communities and the country as a whole. Despite the recent media hype about this phenomenon, the snapping up of hundreds of units is not a recent development. This has been going on for years, ever since these global real estate investment trusts were given free rein via tax breaks in an attempt to taxidermy the Celtic tiger. Now that we see fully the knock-on effects of such practices, let us reconsider. These funds have

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been referred to as vultures ready to swoop on investments and as cuckoos stealing the nests of ordinary people. Let us have that system go the way of the dodo and be rid of it for good.

**Senator Timmy Dooley:** Like others, I believe we have identified what was laid out at the weekend in terms of the housing crisis. The idea of global investment funds purchasing houses that were meant to be for first-time buyers has been responded to with shock. That shock has turned into outrage because it seems this practice is about to continue unabated. I welcome the position that the Taoiseach and the Minister have taken and their intention to move quickly.

I would welcome a debate on housing generally but also on this specific matter, but it would be remiss of us if we were to ignore the issues around the funding of housing. As with everything one wants to purchase, money is at the root of this situation. Indeed, it affects every aspect of it. Our banking system is not fit for purpose. Two banking operations that provided some level of competition are now exiting. With their exit, one wonders what competition will be left. Small, medium and, in some cases, large builders are unable to get funding from banking institutions to build houses in the first instance. They are left with no choice but to seek the support of external funds. Maybe that was all right for a while, but the funds got greedy. They were not happy with the significant interest rates they got from house builders. They wanted to be the providers of equity to assist the builder and, in the early stages, it looked like they wanted to be the facilities providing funds to those who wanted to purchase the houses, but even being the funder on both ends was not enough. They now want to own the properties at the end. This has to be curbed, and I suspect it will be, but we will still be left with a gap in terms of where the money comes from. Unless we reform our banking system in some way, we will be left as we were previously with a lack of houses because builders will not be able to access funding to build them in the first instance. It is a vicious circle. Unless we address both aspects of it, we will have a problem. I suggest that we have a debate on the matter at the earliest opportunity.

**Senator Tim Lombard:** I concur with my colleague, Deputy Dooley, on the need for a debate with the Minister for Housing, Local Government and Heritage on what is an important issue for society, that being, how to ensure we provide enough housing. I spoke about this issue two weeks ago in terms of the cost of building, including materials and labour. In addition to cement and insulation, that the cost of timber has increased by 40% in the past six months and the cost of steel by 48% - the cost of labour has gone that way too - means that houses will become very unaffordable. It is a supply issue. Builders throughout the country cannot get access to cash, so they will not develop sites. That is the unfortunate dilemma. They had been entering into agreements with local authorities or housing agencies to purchase sites. That was the only way they could get their developments off the ground. The knock-on effect was that the number of properties left for first-time buyers was limited. There are so many issues with the housing market that require meaningful debate.

An issue in my part of the world is that stock that was built for residential housing is now being used primarily as Airbnb properties. Their owners will get €1,000 per week for the next 16 weeks, but the properties will be left idle for the rest of the year. There were 300 or 400 such properties on Airbnb's website this morning. That is a deficit in the rental market, which has a major impact on our provision of housing.

The Planning Regulator has an unusual view of one-off housing. One-off housing is an important part of our society. It keeps rural parishes alive. However, the planning regulator has a totally different view of it. We need a meaningful debate on core issues with the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, so that we can get some

movement on this issue. This is going to be an issue for the next decade if we do not try to sort it out.

**Senator Annie Hoey:** I second Senator Sherlock's amendment. Today, I would like to raise two issues that fall under the health remit. I cannot believe I have to rise again today to raise the issue of student nurses and midwives, but there has been no resolution to the pay issue for them. I brought a Bill on student nurses' pay to the floor of this House, which passed Second Stage, but I am told the Government proposes to let it die on Committee Stage. Despite the accolades and declarations of support for our overworked and undervalued student nurses and midwives no progress has been made on the pay issue. I cannot believe that months on, student nurses and midwives are still getting in touch with me to ask what is happening with the measly €100 per week per week promised to them, about which there was a great deal of coverage. I ask the Leader to inquire of the Minister for Health what is happening with regard to student nurses and midwives and when we will see a resolution to this matter.

The second issue I want to raise has been already raised by a number of other Senators today, namely, the announcement yesterday to lift the restrictions on maternity services. There was much celebration about this online, but, as already highlighted here, there is concern that this announcement has overshadowed what is actually happening. A nominated support partner can attend the 20-week anomaly scan, but the 12-week booking is not included. What is also not covered in the announcement is antenatal appointments and unscheduled care or pregnancy loss. This is not good enough.

I take the issue with the phrase "conditions are right". Conditions were never wrong. As a country, we decided to not go with the World Health Organization advice and thus we caused an enormous amount of undue suffering to pregnant women and their families. I was disappointed yesterday when the Minister for Health, Deputy Donnelly, undermined the HSE leadership in its attempts to bring in minimum standards of care. We cannot continue to prioritise these arbitrary traumatising restrictions. Pregnant people and their partners deserve better. I hope that the Minister for Health will consider offering his leadership in this area, rather than seeking to undermine the work of the HSE.

**An Cathaoirleach:** I hope Senator Hoey's leg will be better soon.

**Senator Mary Fitzpatrick:** This week, the Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, proposed to Cabinet the most comprehensive affordable housing legislation in the history of the State. It proposes to change the direction of the State's role in the provision of housing in Ireland. This is an important development, not just for Government, but for society at large. We are coming out of a decade of under-provision of housing and the housing crisis has never been more profound. Radical change is needed. The Bill will do four things. It will cause the State to take the lead in the provision of housing by empowering local authorities to build affordable homes, starting at €160,000; it will create, for the first time in the history of this State, a local authority-led scheme of affordable cost rental; it will support first-time buyers, financially, to purchase homes; and it will double the number of social and affordable housing units provided in every new development under Part V. This is all very welcome. I urge every Member of the House to get behind the affordable housing Bill.

We all are aware that there are still significant deficits and issues in our dysfunctional housing system that need to be addressed. The commitment of the Minister, Deputy Darragh O'Brien, to ban co-living was welcome, as is his commitment to end the strategic housing

development, SHD, process and to review the build-to-rent model. I acknowledge that the Minister has committed that from a planning perspective he will bring forward amendments to the planning legislation, but these amendments will only deal with planning issues as they arise on new planning applications. We need an immediate response from a financial perspective. It was a finance initiative that brought the vulture funds into this country. They are now spending €53 million per week here, which is not only undermining first-time buyers and our citizens in securing a home, it is undermining the State. This is an attack on our State and its commitment to provide housing for our citizens. I ask that the Minister for Finance come to this House to make a statement on what immediate action he is going to take to put financial penalties on these vulture funds so that they get out of the way of our first-time buyers and our State's commitment to provide homes for our citizens.

**Senator Maria Byrne:** I will start by offering my condolences to Senator Mullen on the recent passing of his father. I wish to discuss the vaccine roll-out programme. While it has been positive in many instances, I have been contacted by two families, one of whom includes a lady in her mid-80s who is bedridden but has still not received her vaccination. In the case of the other family, the mother is her early 60s, is auto-immune suppressed and has chronic respiratory disease. Her consultant has contacted the vaccine roll-out programme, which I have contacted several times as well, but this lady has still not been called for her vaccination. Although these may be small issues, they are not so small for the families and patients concerned. Could the Leader arrange for the Minister for Health to come to the House for a debate on the matter? While the roll-out programme is very positive, there are outstanding issues that need to be raised. When there is no resolution of these issues over many weeks, it is time for that debate.

The situation in maternity hospitals has been raised by many Members. Yesterday was International Day of the Midwife. I know that maternity services in University Hospital Limerick had a celebratory day with their patients and the midwives. The theme of yesterday was "follow the data, invest in midwives". I pay tribute to the many midwives and people on the front line who have contributed so positively during the pandemic.

**Senator Lynn Boylan:** I also offer my condolences to Senator Mullen. I propose an amendment to the Order of Business that No. 12, the Civil Legal Aid (Exclusion of Value of Free or Partly Free Board) (Amendment) Bill 2021, be taken on the conclusion of the Order of Business today. I hope the Leader will have no objections to that. I am aware that a review of the entire civil legal aid system is under way, which is welcome, but the issue my Bill seeks to address is time-sensitive. Every day, there are people, mostly women, who are being effectively denied representation in the courts due to the deeply unfair and discriminatory policy of counting the housing assistance payment, HAP, as income. In order to qualify for HAP, a person must meet the financial eligibility requirements for local authority housing. However, due to the failure of successive Governments over the past decade to address the housing crisis, there is a chronic shortage of local authority homes. The HAP was the market mechanism that Fine Gael introduced to address this situation and over 60,000 households are now in receipt of the payment. However, every Member of this House knows that housing assistance payments go directly to the landlord and the tenant never receives that money. Not only that, because the caps on the housing assistance payment do not meet the current market rents, many tenants are bridging the gap from their own resources, which is further depleting their low income. Yet when it comes to accessing justice, the Legal Aid Board counts the housing assistance payment as income and is effectively denying people representation in the courts. This is clearly a breach of the European Court of Human Rights ruling when the formidable Josie Airey took

on the State in 1979. That ruling said that it was unreasonable to expect somebody to represent themselves in the court, yet this is what the State is complicit in doing by not changing the regulations. As women who have fled domestic violence are now obliged to represent themselves in the courts when it comes to child access rights and maintenance, I hope we can debate this Bill in the House soon.

**An Cathaoirleach:** Does anyone wish to second the amendment to the Order of Business?

**Senator Niall Ó Donnghaile:** I second the amendment.

**Senator Shane Cassells:** Yesterday, we saw a disgraceful act by the Department of Children, Equality, Disability, Integration and Youth. The Department withdrew from a 20-year salary scale agreement with county childcare committees across the country - not because it wanted to give childcare autonomy but because it decided it was not going to meet the terms of a Workplace Relations Commission from September that had ruled on an increase regarding pay grades for the staff. It asked how it would extract itself from this and said that it would say it was not people's employers. It told staff to pay themselves what they wanted but that it would not give them the money to make sure that they were actually paid. It put that in the circular and hammered that home. That agreement would have cost a measly €360,000. When the country was in lockdown and we needed to get front-line staff to their stations, and they needed childcare to allow them to do that, these people orchestrated that. When it comes to honouring an agreement reached in the WRC, the Department of Children, Equality, Disability, Integration and Youth has weaselled its way out of it by walking away from a 20-year-old agreed practice. Why do that? Does it not want these people as public servants even though these are the people who implement Government policy in childcare across the country? It is a sector that is run by voluntary boards and gets plenty of plaudits, but has seen damn all increases to budgets that operate this system over successive Governments, for 20 years. The entire system is operated for the pittance of €11 million.

How can the Department get away with this stroke? Does it think that it can? Is it because 236 of the 240 employees across the country are women? Is that why it thinks it can do this? Would it attempt this if they were men? The Minister need not bother coming in again with flowery language, saying he values the work of the childcare structure in this country after that act of deplorable stroke politics yesterday. He cannot stand over that and he clearly does not value the work of these people after what happened yesterday. It was a full stroke and a slap in the face to the efforts to a determined group of professional women, since it is mainly women, to professionalise the system of childcare in this country. They were given the two fingers by the Department yesterday and it was a disgrace.

**Senator Vincent P. Martin:** The public's response and anger in recent days when people learned that global investment funds were swooping in to buy blocks of houses in areas where demand clearly outstrips supply is fully understandable. Lost in the justified furore was a good initiative by the Government to place the cost-rental model on a legislative footing for the first time. The Vienna cost-rental bases rent on how much it costs to build. It is core Green Party policy. Rent can be 40% cheaper. This year, we are rolling out 440 units. I warmly and unreservedly welcome that initiative in a week which was depressing for first-time buyers. In Maynooth and other places, people demonstrated a significant level of restraint. Some of them had justified grounds for objecting to planning permission applications. They put the country first in the housing crisis. They put their neighbours and their neighbours' adult children first to give them a chance to be afforded an opportunity to buy a house for the first time. They said

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no to NIMBYism. All bets are off and those developers will be named and shamed but I do not expect anything better. It will take central Government to regulate and ensure there is a prohibition on mass block purchases in areas in this country where demand clearly outstrips supply. I am delighted that the Government has said what it will do but people are watching and expect this to be done quickly.

**Senator Joe O'Reilly:** We have all reasonably and correctly bemoaned the full closure of Ulster Bank and the closure of branches of Bank of Ireland. I want to propose some responses, and request that the Leader bring them to the Government and provide an opportunity to debate them in the House. I start by proposing the empowerment of our credit unions. Credit unions can only lend 15% of their reserves on home mortgages. It should be low-risk, as whoever lends holds the deeds. It is not high-risk lending and it is becoming less so. The credit unions cannot hold reserves due to cost. If 25% of the Ulster Bank's deposits moved to credit unions they could not cope. They can only take low deposits and they are as low as €15,000 in some instances. They cannot operate proper cheque or debit card business. I believe that the rules of the Central Bank and the Department of Finance are too restrictive on the credit unions and something needs to be done in this area. I appeal to the Leader to bring this matter to the attention of the Government and suggest that we have a debate on this whole area when we can.

There are iconic beautiful buildings in various towns that have been vacated by various banks. They must be bought by the State, local authorities or the Government and used for public purposes, social purposes, public administration, cultural purposes and tourism purposes. These are beautiful buildings that cannot be let go and are central in each town. I ask the Leader to convey this matter to the Government and arrange a debate. It is an opportunity in the middle of quite a problem.

**Senator Erin McGreehan:** This morning I would like to raise my concerns about the unilateral decision by the British Government to possibly grant amnesty to British soldiers. Yet again, we are standing here in the House speaking about the British Government reneging on agreements and on what we have tried to deliver. We have tried to deliver some justice for people across this island, particularly in the North. It is a deplorable act to give amnesty to people who have committed murders on any side. I look forward to our debate here on Monday night and hope that we will hear from the Minister on how we are going to talk to the British Government about this matter. Most of our unionist and nationalist colleagues in the North share my view on this matter. We must call the British Government out yet again on its deplorable act and disregard for the rights and lives of citizens of this country. I wish to express my complete disappointment on that.

**Senator Barry Ward:** In the first instance, I seek leave of the House to move an amendment to the Order of Business to take No. 11, which is the Residential Tenancies (Amendment) Bill 2021, before No. 1.

The Leader will be aware of recent moves in parliaments throughout the world in terms of Taiwan and China's attitude towards Taiwan. Last night, I attended a meeting of the co-chairs of the Inter-Parliamentary Alliance on China and we heard about motions that had been passed in parliaments like France. Last night, the French *Sénat* passed a motion that called on China to allow Taiwan to be involved in international organisations like the World Health Organization, international criminal policing organisations and climate change organisations, for example, which it is currently being prevented from doing. Similarly, the New Zealand Parliament passed a motion on the Uyghur situation and criticised China for its human rights abuses. At

this point, the Parliament of Ireland has done nothing about the situation. I call for a debate in these Houses, and particularly in the Seanad, for us to discuss the issues of Taiwan, China's attitudes towards Taiwan and the fact that China is preventing the involvement of Taiwan in many international realms, to the detriment of the international community. I say that because there is no doubt, for example, in the context of world health, that Taiwan has an enormous volume of experience volume of experience and expertise that would benefit the World Health Organization and all of us around the world, yet it has been stopped from sharing that because of China's attitude.

I ask the Leader to consider arranging a debate on this issue and address the myriad of issues that exist around China's attitude towards the rule of law and towards its membership of the international community. That is something we must address and I ask for a debate on that issue.

**Senator Rónán Mullen:** I would like to second that.

**Senator Regina Doherty:** There have been three requests to amend the Order of Business. To clarify, I can accept the Labour Party's amendment and that of Fine Gael. I am not sure if Senator Boylan meant to finish her statement that she would like the Bill taken after the Order of Business.

*I o'clock*

I cannot take the Bill after the Order of Business but I can have it added to the Order of Business and taken later today, if that is what she meant. I hope it was. If that is the case, I can accept the three amendments today.

Senator Ward asked for a debate on China and its treatment of Taiwan. I will request such a debate with the Minister at the earliest possible date.

Senators McGreehan and Ó Donnghaile both raised the very unpalatable non-announcement leaked, possibly deliberately, yesterday regarding a unilateral decision of the UK Government to renege on the agreement made at Stormont House. The Minister for Foreign Affairs and the Taoiseach both said yesterday that such an action would be an absolute breach of trust and a breach of an international agreement, which would not be accepted. I acknowledge the contributions of both Senators. The heart-breaking human stories Senator Ó Donnghaile raised this afternoon only reflect one side of the debate. It would have been more apt for him to take a more balanced approach because there are many victims and families of victims who have been grieving and seeking retribution for many years on both sides of that debate.

**Senator Niall Ó Donnghaile:** I gave the examples given in one day's newspaper. That was the approach I took.

**Senator Regina Doherty:** I do not have an issue with that but there are people with heart-breaking stories on each side who will have been retraumatised by the announcements made yesterday.

**Senator Niall Ó Donnghaile:** There are, of course.

**Senator Regina Doherty:** It is not acceptable and I look forward to the debate on the Private Members' motion Fianna Fáil has tabled for Monday evening. It will give everyone an opportunity to say how they feel and how disgusted we would be by such unilateral action, which we will not tolerate.

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Senator Joe O'Reilly raised the need for a debate on the future of banking. I am lucky in that I am in a position to say that such a debate has been scheduled for next week. I look forward to hearing everybody's contributions, particularly with regard to the future of the credit union movement and any public banking system the Government may be required to establish to introduce new competition into the market, competition that is sadly lacking at the moment.

A number of colleagues quite rightly brought up the issue of the anger felt not only by the political classes this week, but by every family that has somebody looking to buy a house, whether for the first or second time, at the gazumping highlighted by the *Business Post* last weekend. I will highlight the need for a debate to the Minister for Housing, Local Government and Heritage and try to arrange one as soon as I can on behalf of colleagues who raised the matter.

Senator Cassells is rightly angered at the unilateral decision made by the Department of Children, Equality, Disability, Integration and Youth yesterday. I have four children, and I know the Senator has a number of children too, but I do not think I have ever come across a man looking after children, whether in a crèche or private setting. We might have had a different decision yesterday if this were not the case. I will write to the Minister today and ask him to explain this unilateral decision. I do not believe this will be the end of the issue the Senator raised.

Senator Maria Byrne talked about the vaccine roll-out. A number of people, particularly more vulnerable and elderly people at home or in hospital, are still awaiting news of when they will get their jab. I know of a lady in my own town who did not appear on anybody's list. The lovely lady who answered the 1850 24 1850 number provided us with great assistance yesterday but that was just a one-off. I believe the Senator is referring to far more than a one-off case. I will write a letter to Paul Reid to ask him what the plans are to address the issue of all of the people spotted across our towns and villages who are still waiting for the phone call regarding their appointments. We will see what he says when he comes back to us.

Senator Hoey spoke about the resolution of the issue of student nurses' pay. I will write to the Minister for Health on her behalf and ask him what the plans are to advance her Bill. I read the quote she read out regarding the treatment of her Bill. It dismayed me that anybody would even think that, let alone have a plan of action as to how to deal with her Bill as an Opposition Member. It was highly disrespectful not only to her and her party but to all of the people whom she is trying to represent. I will write to the Minister today and ask him for a response on the plans for the Senator's Bill.

Senators Lombard and Dooley both brought up the issue of housing. As I said, I will reply with a date for the Bill. Senator Keogan also talked about the mass purchasing. I will come back to her. I am aware of the impact of our new planning regulator not just with regard to one-off housing, but in how spatial planning is carried out around the country. It would be interesting to see an audit of all the serviced sites in every county, not only those of the Senator and myself, that are ready to be built on tomorrow but that have been dezoned by local authorities and to ask them to come up with a plausible reason they were dezoned in favour of zoning land that will not be ready for building for years when we are crying out for land ready to be built on now. I might ask for that to be done and I will then come back to the Senator.

Senator Burke asked for a debate on tourism. We had one a couple of weeks ago but with the advent of society opening up again, albeit cautiously in the next couple of weeks, it is probably time we had another debate. I will try to schedule that.

Senator O'Loughlin referred to the HSE catch-up programme, which is really worthwhile. We should have a debate on health in the House in the coming weeks, not just on Covid and its impact on our health services but also on where we are going into the future. I will try to arrange that.

In response to Senator Ruane, what she referred to is one of the things I did in my three and half years in that Department of which I am most proud. It was the smallest amount of money from an enormous budget, but the money I had to fight hardest for was that aimed at getting the hot school meals pilot programme off the ground. Despite it being the smallest amount of money, it is something I probably get the most thanks for from the principals and teachers because they can see the impact it has on children in their lives. It makes no sense to me that in any consortium that would have put forward a bid, one school should have been selectively taken out. I ask the Senator to give me the details later and I will talk to the Secretary General and try to find some of the answers and resolutions the Senator has not been able to find. I do not know whether I can fix it but I will do my level best to help because it is not on and it is not fair.

Senator Pauline O'Reilly, the leader of the Greens in the House, talked about the elections that are happening in the UK. There is never a dull moment in political life and some of the responses referred to what is happening in Scotland, which is fascinating to watch. It is not too far away from our own shores, and I just wanted to acknowledge that.

I welcome Senator Sherlock's Bill. It is interesting. During my time as Minister for Employment Affairs and Social Protection, I think we focused too much on the description of platform workers as being at the lower end of the pay scale. While there definitely are some and I am not disagreeing with that, they are certainly in the minority. The vast majority of people who would be classified as bogus self-employed in this country earn six-figure salaries. That is why it is allowed to continue, not because they are the lower paid on the scale. There is a view that perhaps we need a third status of employment because the terms "self-employed" and "employed" do not quite cut the mustard when it comes to those types of workers to whom the Senator is referring, who absolutely need to be enshrined in employment legislation and employment rights in this country. I wish the Senator good luck with the Bill. I look forward to debating it with her.

Senator Mullen referred to the hate speech legislation. I absolutely assure him that it will go through pre-legislative scrutiny. It is probably time that we have a debate in the House. The committee which deals with communications has had a very meaningful debate this week with regard to abuse on social media platforms. As we know, that extends into real life too. I will try to ignore organise that. I will find out when the pre-legislative scrutiny is going to take place and I will come back to the Senator with a date.

Senator Chambers started today's business with a point raised by many colleagues, which is the very welcome news from the HSE's CEO, Paul Reid, that we will have a national approach to maternity services, now that the timing is right. I suppose that is still not trickling down to all of our hospitals because we can see from photographs on social media that there are still men waiting in car parks to get the news of their little baby arriving. It is just not good enough and is not tolerable. I will write to Mr. Reid today to find out what action is going to be taken by him, or by Dr. Colm Henry, to ensure there is consistency across the country and that newly-born babies can have the joy of seeing both their mammy and their daddy when they are brought into the world.

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**An Cathaoirleach:** I thank the Leader. Senator Boyhan is not able to attend today's sitting but he asked me to remind everybody that it is Guide Dog Day. He wanted us to thank, as I do on behalf of the Seanad and Senator Boyhan, all the volunteers around the country who are raising funds for Irish Guide Dogs for the Blind to assist it in its efforts to provide independent mobility and dignity for services users. All charities are struggling at this time to raise funds and we thank all the volunteers for their work.

Senator Marie Sherlock has proposed an amendment to the Order of Business, "That No. 10 be taken before No. 1." The Leader has indicated that she is prepared to accept the amendment. Is the amendment agreed to? Agreed.

Senator Lynn Boylan has proposed an amendment to the Order of Business, "That No. 12 be taken before No. 1." The Leader has indicated that she is willing to accept the amendment. Is the amendment agreed to? Agreed.

Senator Barry Ward has moved an amendment to the Order of Business: "That No. 11 be taken before No. 1." The Leader has indicated that she is willing to accept it. Is the amendment agreed? Agreed.

Order of Business, as amended, agreed to.

### **Protection of Employment (Platform Workers and Bogus Self-Employment) Bill 2021: First Stage**

**Senator Marie Sherlock:** I move:

That leave be granted to introduce a Bill entitled an Act to declare the relationship between employer and employee to be a status relationship, to declare the question whether an individual is an employee or is self-employed to be a question of law to be independently determined, to provide that the description given by the parties shall not be conclusive in determining the true status of an employment relationship, to provide for a presumption in favour of employee status in certain cases, to clarify the employment status of individuals who undertake personally to execute work or service for third parties, to take certain measures to counter the misrepresentation of the status of employees, to amend the Terms of Employment (Information) Act 1994, and to provide for related matters.

Question put and agreed to.

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

**Senator Marie Sherlock:** Next Tuesday.

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

Second Stage ordered for Tuesday, 11 May 2021.

**Civil Legal Aid (Exclusion of Value of Free or Partly Free Board) (Amendment) Bill  
2021: First Stage**

**Senator Lynn Boylan:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Civil Legal Aid Act 1995 to give provision for the exclusion of the value of free or partly free board as income when applying for civil legal aid.

Question put and agreed to.

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

**Senator Lynn Boylan:** Next Tuesday.

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

Second Stage ordered for Tuesday, 11 May 2021.

**Residential Tenancies (Amendment) Bill 2021: First Stage**

**Senator Barry Ward:** I move:

That leave be granted to introduce a Bill entitled an Act to amend the Residential Tenancies Act 2004 to modify evidential presumptions in a Tenancy Tribunal and to clarify where the burden of proof lies at such a tribunal.

Question put and agreed to.

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

**Senator Barry Ward:** Dé Máirt seo chugainn.

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

Second Stage ordered for Tuesday, 11 May 2021.

**Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and  
Shipping Sectors) Regulations 2021: Motion**

**Senator Regina Doherty:** I move:

That Seanad Éireann approves the following Order in draft:

Protection of Young Persons (Employment) (Exclusion of Workers in the Fishing and Shipping Sectors) Regulations 2021, a copy of which has been laid in draft form before Seanad Éireann on 3rd March, 2021.

Question put and agreed to.

*Sitting suspended at 1.12 p.m. and resumed at 1.30 p.m.*

### **European Digital Green Certificate: Statements**

**Minister of State at the Department of Foreign Affairs (Deputy Thomas Byrne):** Gabhaim buíochas leis na Seanadóirí atá i láthair inniu, agus gabhaim buíochas as an deis seo míniú don Seanad cad atá ag tarlú leis an ábhar fíorthábhachtach seo. The pandemic continues to have a significant impact on the lives of everyone in Ireland. The Government's public health response to the pandemic continues to be thorough and based on best international and national evidence. Over December and January last, Ireland experienced a third wave of Covid-19 due to a combination of relaxed restrictions, increased international travel and the importation of the B.1.1.7 variant. This variant of concern is now the dominant variant in Ireland, making up approximately 94% of cases. Due to the significant impact of this variant on the health sector and wider public health, the Government took proactive measures to address the risk of importation and the spread of further variants. Thanks to the exceptional efforts of the people and broad observance of public health measures during recent months, there has been a clear improvement in the prevalence of the virus in the community. With this recent stabilisation of the epidemiological situation, the Government has taken cautious steps towards the reopening of our economy and society through gradual lifting of restrictions.

The priority in Ireland is always to maintain control over the disease and prevent a further wave of infection until the vaccination programme offers a widespread population level of protection. To support this the Government has enacted proactive, targeted health protection measures to mitigate the risk of variants coming to Ireland. Travel policy is kept under ongoing review with respect to the developing epidemiological situation and public health advice. We also have to look to the future and prepare for further reopening of society and travel. We are keen to ensure that every effort is made to achieve alignment of travel policy across the European Union to prepare for the opening of travel again for non-essential and leisure purposes as soon as it is safe to do so. European Union travel is an important and valuable way of strengthening the solidarity and collegiality across the Union and freedom of movement is a fundamental right of citizenship of the European Union. Ireland has previously implemented the traffic light system, which supported a co-ordinated approach across the EU to travel restrictions in the context of Covid-19. Our travel policy is kept under constant review, considering the domestic and international epidemiological situation.

Currently, all travellers to Ireland are required to complete a passenger locator form, undergo Covid-19 testing and observe home quarantine. Ireland now maintains a list of designated states, following an assessment of the risk of importation of variants of concern. Travellers from designated states are subject to enhanced restrictions, including mandatory hotel quarantine, which was introduced primarily as a health protection measure to address the dangers posed by variants of concern. These measures are necessary in stabilising the spread of Covid-19 in the community but as we move forward together to meet the next phase of reopening society, we very much welcome the significant step facilitated by the digital green certificate

regulation proposed by the European Commission.

The Government recognises the importance of the digital green certificate regulation in supporting the lifting of restrictions currently in place in a co-ordinated manner and facilitating that fundamental right to which I referred of people in the EU to move and reside freely within the EU. This proposal will facilitate free movement within the European Union through a common framework for the issuance, verification and acceptance of certificates relating to vaccination, testing and recovery. This technical tool will include proof of vaccination, proof of a negative test result or proof of immunity after recovery from a recent Covid-19 infection. The proposal builds on previous technical work carried out in the EU Health Security Committee and the EU eHealth Network, both of which the Department of Health has fully engaged with throughout the pandemic.

The regulation is proposed to be a temporary pandemic measure, lasting for 12 months. Ireland and other EU member states will decide how to use the certificate as part of national travel measures in line with subsidiarity. The proposal is moving rapidly through the negotiation process at EU level, as part of an urgent procedure. An *ad hoc* working group was established at EU level to examine the proposal in detail. Ireland participates fully in these discussions on an interdepartmental basis to ensure careful consideration is given to the proposal across a number of sectors. This *ad hoc* group at EU level agreed the Council's negotiating mandate for the proposal. The European Parliament adopted its negotiating mandate for the proposal last week on 29 April.

The European Parliament and the European Council have begun negotiations, known as the trilogue, to finalise the details of the proposed regulation and we are actively engaging in the negotiating process as part of the Council to ensure that our priorities and needs are realised. Those negotiations started this week and I understand they will continue into next week and the following week. Operational aspects for the interoperable certificate system are currently being progressed in parallel with the proposed regulations and the negotiations, which is understandable due to the significantly short timeframe. Engagement is ongoing, not just at a European level, but on a cross-governmental basis here in Ireland to co-ordinate operational procedures as this very significant proposal is progressed and implemented.

In the coming weeks and months, the Department of Health will continue to develop the technical aspects to implement the certificate system, while developing the supporting operational procedures, legal instruments and a communications campaign, as appropriate. It is of significant importance that this proposal is implemented in Ireland without the risk of diverting limited resources away from providing or supporting health services, but once this proposal is enacted through regulation it will be legally binding on the State from its enactment. The priority at the moment is the core systems that support the roll-out of vaccines, regaining and maintaining control over the disease and preventing a further wave of infection until the vaccination programme does its work on the population. To be clear, the Government is committed to the proposal, which will be an obligation under the European Union, and it will be a right of citizens to obtain this certificate in accordance with the terms of the regulation. I look forward to hearing what the Senators have to say. I will try my best to answer questions at the end. While the Department of Foreign Affairs is obviously very much involved in this, the Department of Health is leading on it. I am certainly keen to progress it as much as I can as it is before the General Affairs Council at EU level.

**Senator Lisa Chambers:** I welcome the Minister of State, Deputy Byrne, to the Chamber.

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It is great to have him here and it is nice to be having a positive discussion connected to the pandemic about reopening and getting back to travelling. This is good not just for the economic benefits for the country, but it is also good for people to get to see family and friends and to be able to move more freely. Freedom of movement across the EU is something that we took for granted before the pandemic and I believe we will place an even greater value on this when we get back to travelling once again.

Members will be aware that the digital green certificate is an EU proposal for a way to facilitate safe travel for our citizens within the EU during the pandemic. The intention is to provide official, digital or paper proof that a person has either been vaccinated against Covid-19, has had a negative test or has recovered from Covid-19. Ireland, as a member state, intends to have the framework ready by the summer, and other member states are planning to do the same. Now that the member states have agreed their position, they must engage with the European Parliament and negotiate the final version of the regulation. My MEP colleagues, Billy Kelleher and Barry Andrews, are actively involved in that negotiation and the debate at the EU Parliament level.

The European Union Parliament and our MEPs had an extensive debate on the digital green certificate and they have addressed many of the key issues and concerns that people in Ireland and in other member states have, rightly, been raising. First, they discussed the name “digital green certificate”, and I would agree that it is quite confusing as to what this actually is. There appears to be support to rename it as the “EU Covid-19 certificate”. One would know more quickly what this means than the original name. There was also extensive debate on how long the certificates should be in operation, with the majority of MEPs agreeing that a 12-month limit was appropriate. I also believe this is appropriate. There should be a sunset clause on this and it should not be something that lasts indefinitely. This is a sensible suggestion and we can look at reviewing things in 12 months’ time. We have to be honest that this is an extra layer to travelling and some citizens will view it as a restriction on their rights as EU citizens to move freely across member states. This is why it is important to not require the certificates for an indefinite period and that we have a review point.

There was an interesting debate around the potential economic unfairness of requiring testing where the cost in some member states might be prohibitive. MEPs made a strong call for free testing to be made available to citizens to avoid any monetary barrier where the cost of testing is very high. This measure is also intended to avoid discriminating against a person who is not vaccinated, remembering that some people may not be able to get vaccinated for medical reasons or other legitimate reasons.

At the conclusion of the debate the measure was passed by a large majority with a final vote of 540 votes in favour, 119 against and 31 abstentions. This is a very strong majority in the Parliament, following a lengthy debate, to support this proposal. I believe there is equally strong support here in Ireland, if not stronger, to put in place a pathway back to safe international travel for our citizens. As an island nation, we cannot close ourselves off from the world forever. As a small open economy, we need international travel and movement of people across the EU and indeed the globe for our economy to function. Yes, it is a barrier to travel but it is also an important protection for public health. Every effort will be made to make this as seamless as possible with the least amount of disruption to travellers. No system is perfect and the main thing we need to watch out for is that we do not discriminate against those who may not be able to afford expensive tests. We must, therefore, find a solution to that issue to make sure affordable testing is available to everyone.

There are still reasonable questions around the remaining unknowns during this issue. How long will a person be immune having recovered from Covid-19? What length of cover do each of the European Medicines Agency, EMA, approved vaccines provide? These are questions we cannot answer yet. What position will the EU take in relation to WHO approved vaccines that have yet to be approved by the EMA? In my view, the EU should be flexible and if the WHO has given approval for a vaccine, that should be sufficient to qualify for a digital green certificate or whatever it may end up being called.

Negotiations between the European Parliament, based on its priorities, and the European Council are to start in the next week or so. The plan is to conclude the negotiations by June and give member states six weeks to implement the new system. Some concerns have been expressed here in Ireland that we would not be ready on time, but I am confident that we can be ready, and that we will be ready if the will is there on the Department and the Government side to make this happen on time. EU countries, including Ireland, are currently developing their domestic software for digital green certificates in tandem with the legislation being negotiated at a European level. We need to have that software ready because we will be mandated to provide these certificates to people when they request them.

At this point, we are all wondering what this will mean in practice for travel this year. It is too early to say what the practical implications will be, but the public want to see a safe return to international travel. I urge caution, but the time is right to open up our country and move towards movement of people. Our aviation, hospitality and tourism sectors all need it. I urge the Departments of Health and Foreign Affairs and the Government to make sure we are the leader rather than the laggard among European states and get this delivered on time for our citizens.

**Senator Eugene Murphy:** I welcome the Minister of State, Deputy Byrne, who is a very active European Minister. I am sure when he took up the position, he did not think we would still be dealing with Covid at this stage. We will be dealing with Covid for a long time. As Senator Chambers said, and I thank her for sharing time with me, the digital green certificate will facilitate people's fundamental right to move and reside freely within the EU. It should be remembered that this Sunday is Europe Day. When I look at the flags in the foyer of Leinster House, it makes me think about the importance of Europe from this perspective.

Unfortunately, Covid has forced us to do things differently. That is why we have to proceed with the digital green certificate which, as Senator Chambers and the Minister of State said, we will have to keep under review. We do not know for how long we will need these certificates but I hope it will not be for too long. The Government is very keen to ensure that every effort is made to achieve alignment across the EU in preparing for the reopening of international travel. That is important. As Senator Chambers said, we are an island country that relies on people coming here. We have done well in recent years in terms of visitor numbers, so international travel is very important. We have to be cautious and careful. At all points, we have to remember the importance of keeping out Covid as much as we can.

I will conclude by making three very brief points about the confusion there is about this certificate, sometimes on social media and sometimes when meeting people. I spent a good while yesterday evening with people in my locality who fed me so many untrue lines about it. I showed them the document from the European Commission to point out some facts. In March, the Commission proposed:

to create a Digital Green Certificate to facilitate safe free movement inside the EU dur-

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ing the COVID-19 pandemic. The Digital Green Certificate will be a proof that a person has been vaccinated against COVID-19, received a negative test result or recovered from COVID-19. It will be available, free of charge, in digital or paper format. It will include a QR code to ensure security and authenticity of the certificate.

When I pointed this out, people had a completely different understanding of the digital green certificate.

As we emerge from the pandemic, the Fianna Fáil Party will work for a revitalised Europe, one which is stronger, more effective and has the assurance to show that now, more than ever, it is the only way forward to peace, progress and security for Ireland and the other democracies of Europe. It must be remembered that freedom of movement is a fundamental pillar of the EU.

**Senator Sharon Keogan:** I congratulate the Minister of Justice, Deputy Helen McEntee, and her husband Paul, on the birth of their baby, Michael Shane. As the Seanad has not yet done so, I congratulate the Minister on the birth of her son.

I welcome the Minister of State to the Seanad and thank him for taking the time to listen to our statements on these important topics of public concern. I thank the Leader, Senator Doherty, for organising this debate and acknowledging the need for debate on the topic, which I broached on the Order of Business on 26 April. Against that backdrop, there are two strands to Ireland's stated and reported plans for vaccination-type certificates which need to be considered. These are the EU Covid-19 certificate and the domestic vaccine passport system. I understand that there are pros and cons for the introduction of a Covid-19 passport of some type. I agree that we must consider any solution, technical or otherwise, that might help to navigate our way out of the different levels of lockdown and return to normal life. The digital green certificate is being presented as a solution to facilitate travel and on the surface it would appear to provide some reassurance. I wonder however if a Covid-19 passport is really necessary or if it will help to prevent the spread of the disease. It is interesting to note that the International Air Transport Association believes that they are not necessary and the World Health Organization has expressed doubt about them too. Naturally, I want to see the reopening of the country to travel, tourism, social and sporting events and public gatherings. On the other hand I have real concerns about the introduction of a Covid-19 passport that could result, either now or in the future, in discrimination, surveillance of some description, or would impinge in an unjustifiable way on the fundamental rights and freedoms that every citizen should enjoy.

Ireland is not a paper-carrying country nor in my considered view should it ever become one. On a cautionary note, we do not want see the introduction of any type of health passport, health database or ID card by stealth. When a new power, technology or something like this is introduced, there is almost always function creep. History tells us to be careful about sleep-walking into a situation where we label some people as being clean and others as unclean or as potential vectors of disease.

Equally, we need to be careful about the State making promises to keep people safe in exchange for accepting more State control over their lives. The Patriot Act, which was passed in the US after the 9-11 tragedy, resulted in the unconstitutional mass covert surveillance of the American people by the National Security Agency and is a case in point. The fact that some people in Israel have taken to wearing a gold star as a symbol of opposition to the green pass regime there is a stark reminder of history too.

The European Parliament has recently approved the digital green certificate and it is to be up and running in the EU in June. By the end of June I understand that the Government target is to have over 80% of the population vaccinated with at least one dose. Virtually everyone at risk will either be vaccinated or will have had vaccines offered to them. Effectively, we would have reached the point of herd immunity.

Given the efficacy of the vaccine, one would anticipate that there would be virtually no hospitalisations or deaths attributable to Covid-19 once that percentage of the population is vaccinated. Would it therefore be a real significant risk to public health if someone with Covid-19 entered the jurisdiction without a green certificate when the population had been vaccinated or had acquired immunity or both? Logic would suggest that it would not be.

With uncertainty still surrounding the length of time immunity lasts from the time of vaccination, as well as uncertainty regarding the ability to transmit the virus after being vaccinated, how much use would the green certificate be as a reassurance that the holder of the certificate is not prone to being infected or, more importantly, that he or she will not spread infection?

Certainly, those who test negative in order to obtain a green certificate and who are not yet vaccinated are vulnerable to the infection and upon infection, are likely to spread the disease. To what extent is private enterprise involved in the digital green certificate programme? What is the cost to the State? What is the evidence-based explanation as to the effectiveness and necessity of the digital green certificate to stop hospitalisations and death?

Therefore, while some of the questions above in respect of the EU certificate also apply to any proposed domestic certificate, I nonetheless outline the concerns and questions that I have regarding a domestic certificate. Will the Minister clarify what measures and initiatives are planned in respect of a domestic certificate system in Ireland? How would any domestic system work? What would it be used for? What would be the legal basis for a domestic vaccination passport? A domestic vaccination certificate would lead to discrimination against people who are awaiting a vaccine, who cannot receive a vaccine for medical or disability reasons or people who simply do not want the vaccine. How would the Irish authorities safeguard against this? How would such a system comply with Article 7, privacy, and Article 8, protection of personal data, of the European Charter of Fundamental Rights? How would it comply with Article 6 of the general data protection regulation, GDPR? How will it comply with the principles of effectiveness, necessity and proportionality? In recent media reports, the Minister of State, Deputy Ossian Smyth, said that the pilot system on digital passports had been running with a sample group of healthcare workers over the last couple of months. Who is running this pilot scheme? What are the details of the pilot scheme? Has a data protection impact assessment been carried out and, if so, will it be published?

Notwithstanding my questions and reservations about the digital green certificate, I am somewhat reassured by the fact that the MEPs agree that the system should be in place for no longer than 12 months. The document should neither serve as a travel document nor become a precondition to exercise the right to free movement. In order to avoid discrimination against those who are not vaccinated, and for economic reasons, EU countries should ensure there is universal, accessible, timely and free-of-charge testing.

**Senator Joe O'Reilly:** I welcome the Minister of State, Deputy Byrne, my neighbour. In a pre-Covid world, we used to meet occasionally in north Meath. Presumably, and hopefully, we will be doing that again soon. I also echo Senator Keogan's remarks in congratulating the

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Minister, Deputy McEntee, and Paul Hickey on the birth of Michael Shane.

The digital green certificate will facilitate people's right to move freely within the EU and will help support the lifting of restrictions across the member states in a co-ordinated way. On St. Patrick's Day this year, the EU Commission put forward proposed regulations for a digital green certificate. The certificate would include proof of vaccination, proof of negative test result or proof of immunity after recovering from a recent Covid-19 infection. This certificate is intended to be temporary, and each member state would operate within its own systems or public health measures. Basically, there is domestic discretion. Further work on the proposed regulation is taking place between the European Parliament and the European Council and it is expected that these negotiations will be finished by June, in time for the regulation to come into effect by 26 June. To date, Ireland has participated in the working group discussions at EU level to examine the proposal. At home, an interdepartmental group of officials from Departments has been set up, and the Department of the Taoiseach has established a sub-group of senior officials involving a wide range of Departments to establish national policy on this proposal. Member states would be expected to be ready to implement the new certificate by 26 June, with a six-week transition period to 7 August.

Issues that have to be ironed out ahead of implementation include the status of antigen tests and whether they can be used, IT systems, border infrastructure for verifying certificates and other such practical matters, as well as the impact of vaccinations and levels of immunity. Information notes on the draft digital green certificate regulation have been submitted for Oireachtas scrutiny. The Oireachtas Joint Committee on Health decided on 27 April to keep the files under scrutiny, and the Department of Health is drafting an updated report for the committee's consideration. Separately, but relevant in terms of current vaccination verification systems, the House should note that the World Health Organization vaccination verification records system is already in place and used by people when travelling to destinations where certain diseases are prevalent.

*2 o'clock*

We are all familiar with that. The international certificate of vaccination or prophylaxis is provided for through the 2005 international health regulations. A person's vaccinations are recorded in a booklet, the colour and style of which may vary from country to country. It is then used along with a passport to gain entry into certain countries. This would be happening in normal times. There is a possibility that Covid-19 will be included in such a vaccination system.

A person's right to enter a country and bring home a serious disease or cause ill health had in that fashion to be curbed and was curbed long before Covid. People's rights in this regard are not absolute. Freedom of movement is a pillar right of the EU. We want to preserve it, hence the merit of these certificates. These rights are not absolute and if one is putting lives in danger, they have to be curtailed.

We are a country of emigration with a diaspora all over the world, and that makes egress from and access to this country and island so important. We have kinship all over the world. Apart from those sentimental, personal considerations, the right to travel and the free movement of persons, there are compelling economic issues. Some 143,000 people work in the airline industry in Ireland, of whom 12,000 are pilots. There are 250,000 jobs in the airline and hospitality sectors combined. Travel agents employ 3,500 people. It is estimated it will take until 2024 to bring us back to 2019 levels in our airports and in normal travel. That is a scary

statistic. These are serious figures and a serious economic question, apart from quality of life, rights, freedom of travel and all of that.

Dublin Airport was down about 95% of its normal traffic in 2020. I am sure Senator Dooley will speak more about Shannon. Scarily, Shannon and Cork are worse again. That is how bad it is. Aer Lingus has seen a €536 million operating loss. There were supports and it is right that we are proud of the supports provided by Government by way of wage subsidy, tax clawback, rates remission and a €200 million operating fund. That is always good but we must not underestimate the human reality of having pilots and a whole plethora of workers in airports grounded with no work and no motivation. These people have mortgages. In the catchment area of our airports, many major residential centres have built up which are populated by airline staff. There are mortgages to be paid on these properties and families to be educated and reared in these areas.

As soon as we can implement the digital green certificate, it should be done. I will say it to the Minister and I hope he will say there will be no question of the populist nonsense that is around that we might not be up to speed with it. We will be up to speed with it, I presume. I would like to have it reiterated at the end that we will be at the vanguard of it and ready to go with every other country in Europe. We have always been that way and I do not see why it should change now. I believe this is an important initiative to save jobs and livelihoods, to provide quality of life, to link us to our diaspora and regarding the principle of the free movement of persons. There are so many issues that it is a no-brainer, to put it in the popular parlance. We must have the digital green certificates, we must implement them immediately and we must move on it.

In some instances of conscientious objectors and whatever, if it involves a curbing of rights at some stage, no right is absolute when the common good is at stake. A few fundamental rights are absolute, but most rights are subject to the common good and the welfare of general society.

**Senator Mark Wall:** I welcome the Minister of State to the House. It is important that we discuss this matter and the potential it offers us as an island nation.

There is undoubtedly a palpable degree of optimism and hope in the country at the moment, and we must do everything we can to protect it. The vaccination roll-out has created a sea of optimism that is capturing more people every day. The discussion around the prospect of booking foreign holidays is happening in more homes as each day passes. The prospect of our tourism industry welcoming back much-needed foreign visitors is also something that we need to discuss and for which we must plan. When the Chief Medical Officer, Dr. Tony Holohan, states as he did yesterday that more than 30% of the adult population had been vaccinated with one dose of a Covid-19 vaccine and that it was time to feel hopeful and start planning our summer, we must all sit up, take notice and begin planning.

However, in supporting the concept that is a European digital certificate, it is important that we debate the way such a certificate would work in practice and how it could adhere to and work within the public health advice, which we all must continue following in order to ensure that our country reopens up and we get out of this dreadful situation once and for all. There remain a number of questions on the use of this certificate. I appreciate that the Minister of State addressed some of them today, but it is essential that such a certificate is only used for travel purposes and can only be used while the pandemic continues. From what we know, the certificate will only contain a person's name, date of birth and details about whether he or she

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has been vaccinated, had a number of negative tests or recovered from the virus. It would take the form of a digital or paper copy, ensuring that all those who may want one can avail of it. The Minister of State outlined some of the concerns around how these data would be held. Equally important is the question of where it would be held. There are also concerns about freedom of movement, which is one of the bedrocks on which the EU is built.

Recently, I read that Ireland might not have the technology ready to implement this certificate as proposed in other states by the end of June. The Minister of State addressed this point. Notwithstanding that, he might let us know the cost of such technology, if that is known to him, and where we sit in terms of securing it. He might also let us know how far we are away from having it up and running, should this measure be passed by our State.

In welcoming the concept of a digital green certificate, it is important that we note the concerns of our tourism industry and aviation sector. The Irish tourism industry is facing its greatest ever crisis. The headline figures it is suffering are mind blowing. To cite just two of them, there has been a loss of €5.7 billion in earnings from overseas visitors and upwards of 160,000 jobs have been lost, with several hundred businesses facing permanent closure. The tourism and hospitality industry employed more than 265,000 people throughout the State. It was Ireland's largest indigenous employer, accounting for one job in nine. Some 70% of those employed in the tourism industry operate outside Dublin. Tourism has become the heartbeat of rural Ireland and a vital component of life there. The importance of a pandemic travel certificate to this industry cannot be underestimated. We need to secure as many of those jobs as possible.

I have spoken about protecting the optimism and hope that everyone in the country is experiencing. My party leader, Deputy Kelly, has continuously raised the important role that rapid antigen testing can play in protecting this country and ensuring that travel in and out of it can begin again and those in the industry can start planning. We should be considering the model used in the UK, where every household has been given seven free tests. In recent days, we have seen one of the largest retail outlets here beginning to stock rapid antigen tests on its shelves.

It is vital that we use some form of continuous testing, be that through an increase in the number of test centres popping up in hotspots around the country or some Government-led rapid antigen testing system, because we want to be able to offer some form of tourism experience to those travelling into our country and to those of us on the island who will once again be domestic tourists this year. It is important for so many in our hospitality and tourism industry that we fight this pandemic in every way we can. We must ensure that the vaccination programme continues to be rolled out without any issues, that we develop a rapid antigen testing system, because it is in such an environment that a digital green certificate can work, and that any variants of this dreadful virus are found and isolated in the quickest time possible.

We support the urgent need for a properly thought-out and fit-for-purpose pandemic travel certificate. There is a lot of merit in the proposed digital green certificate that we can work with. The aviation industry in this country needs our support to get back to doing what it does best in transporting people to and from our island. I note from my engagements with many in the tourism industry here and from the new RTÉ programme, "Open for Business", which aired last night, that the tourism industry is looking for some form of certainty so that businesses can plan and take back the valued employees that so many of them had to let go when this pandemic first struck.

The digital green certificate can make a difference. It can be supported. We need to ensure that the momentum and the hope mentioned by the Chief Medical Officer and others is maintained. We look forward to discussing and debating the content of the certificate that will be proposed by the Government, its extent and purpose. Most important, we all look forward to the time when we can travel again in normal circumstances.

**Senator Niall Ó Donnghaile:** Ar dtús báire, cuirim fáilte roimh an Aire Stáit ar ais chuig an Teach fá choinne na díospóireachta ar na ráitis seo inniu. The European digital green certificate moves society in the right direction, but it is not a perfect solution for international travel. My colleague, Sinn Féin MEP, Chris MacManus, has extended a guarded welcome to the initiative, but insists a cautious approach must be taken to ensure that it is a success. It is designed to facilitate a smooth path to the resumption of international travel, but we need to be clear that states within the EU must retain their independence in regard to public health rules for travellers such as, for example, mandatory hotel quarantine, or for that matter, in regard to local services which involve the free movement of people, especially young people, in and out of bars, restaurants and venues attracting the public. The intention in limiting people's free movement is to protect all of society and the easing of restrictions should be to do likewise.

We must be careful in our anxiety to get it right that we do not lock people out of the reopening. People are understandably tired of lockdown, especially people who have been living in extreme isolation. For all of us, it has been a difficult situation in terms of our mental well-being. It does not matter what age one is, the anxiety caused by the fear of the virus has been universal. There are many welcome signs of progress towards a new normality, North and South. A digital certificate is a high profile example of just one of these welcome signs. As the Minister of State, Deputy Thomas Byrne, will know, it is not a cure-all remedy to international travel within the EU, but one of a number of many layered measures, with an effective vaccination programme as a solid foundation on which further careful and medically driven advice can steer us to the new normal.

We need to continue to work together following public advice to keep each other safe at all times. The Governments, North and South, must continue to play their part by putting in place robust systems for testing and tracing, quarantine, and building the capacity of the health services. The implementation of the certificate must be done fairly. There is an opportunity to return to safe international travel within the EU. The system which underpins the safe travel between countries must be co-ordinated and focused on creating a travel system that engenders public confidence in those who are travelling. More important, it must be well received by those who are not travelling. People are following what is happening around the world and are understandably worried. We must put in place secure and protective measures to accompany the digital certificate. Fairness, security and privacy with respect to people's personal details will be central pillars of a successful system. We must guard against inequality and the risk of further disadvantaging those who are being made to wait the longest for a vaccine. Many of our young people have made huge sacrifices in the past year, but they are not alone in that. In the majority of cases, they still have not received the vaccine.

I commend my colleague, Chris MacManus, for the focus he put on the need for exemptions in special cases. The reality is that some people cannot avail of the vaccine for medical reasons. The digital certificate must have built into it a credible and manageable exemption mechanism that is respectful of people's special circumstances. The travel plan and complementary system around it, will require ongoing monitoring by all involved in its implementation.

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I note coverage in the media this morning in respect of the call by the Oireachtas Committee on Transport and Communication Networks for antigen testing to assist what my colleague, Deputy O'Rourke, has called a safe return to air travel rather than a boost to air travel, as some people have suggested. Deputy O'Rourke stated today that in the absence of mandatory hotel quarantine for all, the London-Dublin route provides an ideal study site. That would involve, as he says, no change to travel advice and essential travel only. Serial antigen testing in addition to mandatory pre-departure PCR tests provides more protection than we have now. The study would provide useful data. Hopefully, the introduction of the digital green certificate will coincide with a suite of measures in due course that will see us all in a better and safer space in the time ahead for the summer season at home and abroad. Go n-éirí linn in that regard.

I conclude by agreeing with Senator Ward. It has been an extremely difficult and challenging for our aviation sector. It is important that we continue to express our solidarity with and thanks to those workers, and indeed all workers, who have been so badly impacted by this pandemic and those front-line workers who have sacrificed and endured so much to help in the broader process of keeping us all, as a society North and South, safe guarded and protected from the harms of this virus.

**Senator Vincent P. Martin:** I welcome the Minister of State to the Chamber. As a respected and committed European, he no doubt appreciates EU solidarity in this regard. It is logistically challenging. The digital green certificate can serve as proof of vaccination, testing and recovery in order to waive restrictions to free movement put in place in a member state on public health grounds such as testing or mandatory quarantine requirements. When travelling, every digital green certificate holder will have the same rights as citizens of the visited member state who have been vaccinated, tested or recovered, so it is important to hold one of these certificates. I have a green certificate but it is a different type. It is a membership green card for An Comhaontas Glas but that will not get me too far. However, this green digital certificate will. It will facilitate free movement and remove barriers to travel. It is not perfect and I understand the concerns expressed by some civil rights people, who are genuine in their concerns, but we must balance the countervailing rights. I believe this is a proportionate response to get Ireland moving again and to open it up, particularly since as an island we can be isolated.

I welcome this debate but I would like a further debate on a later date. We have EU solidarity but what are we doing about global solidarity for the people who do not have a voice? This is great news for the EU today and we are moving in the right direction. However, I was concerned to read very recently in *The Guardian* that according to WHO research, tens of millions of asylum seekers, migrants, refugees and internally displaced people around the world have been excluded from national Covid-19 programmes. The gaps mean that a scattered group numbering at least 46 million people, which is approximately the size of the population of Spain, may struggle to get vaccinated even if a global shortage of doses eases. Among the excluded are 5.6 million people internally displaced by six decades of civil war in Colombia, hundreds of thousands of refugees in Kenya and Syria and nearly 5 million migrants in Ukraine. According to WHO research conducted in March, India, Nigeria and Indonesia are among several large countries whose vaccination programmes exclude displaced people. Other countries like Pakistan appear in the list but have since amended their plans to make them more inclusive. Well done, Pakistan. Is this not the elephant in the room as we help our fellow Europeans? What are we doing? Who is the voice for the Third World? They feel like fifth class citizens. I asked our Commissioner to move on this and yet Joe Biden, the leader of the free world, is ahead of us on this. Fair play to President Biden for waiving the intellectual property rights.

Of course there was pushback from the drug makers. I would ask the drug makers if they have made enough money yet. I would firstly say “Thank you so much”. Barry McGuigan kept saying that to Barney Eastwood. I could not say “Thank you” enough to drug makers. They have saved lives but they have also made money. When will the drug makers say that enough is enough? Have they made enough money yet? When will their shareholders say that? I do not believe that they will do so any day soon. It will take global leadership and solidarity.

Unfortunately the EU, which the Minister and I are proud members of, is behind the door despite the assurances I got from Thierry Breton when he addressed us at a meeting of the Joint Committee on European Union Affairs. If the call can go out through the Minister’s influential office and the Irish Government, we are small in numbers in Ireland but we box way above our weight in the area of influence and leadership. Ireland is a global leader and is on the UN Security Council. Irish voices are needed now. We understand what it is like from the Famine days. Perhaps that is why we are so generous with fundraising at times. Irish people go through the stratosphere of generosity. I ask Irish people to make their voices heard.

I know we are on the right page here but some of our fellow world citizens are dying in the streets because they cannot get beds or oxygen. I did not want this lovely hour to go by today without placing on the record of this House my deep concerns that we are moving far too slowly. A rising tide would lift all boats but I do not see that tide lifting the weakest. One judges a society on how it deals with its weakest, the disadvantaged and the less well off. Many are in rogue states and cannot even raise their voices. They are being left behind and dying because we are hoarding vaccines. We are ensuring that the people who are not in danger of dying any time soon come first, before the most vulnerable in another part of the world. Is it not an accident of birth that, whatever part of the world one lives in, one will have to wait an extra three or four years for this vaccine? That is reprehensible to me as a public representative and to the people of Ireland. We should not accept that. We have to push. Our voice must be heard.

While I welcome this brilliant initiative, because it is a practical way of getting business going again, I hope the Minister might address this and do his best. I know his heart is in the right place and he might be able to update me on the good work he is doing in that respect. It is no criticism of the Irish Government but a criticism of the global economy where the rich get richer and the poor, vulnerable, sick and disadvantaged do not have a voice. The rich do not care about them or they would have looked after them for a long time before now. I hope that as a Seanad, we can put a separate hour aside to put all our collective wisdom and brains together. There is much ingenuity and innovation in this Chamber. Can we do something in Seanad Éireann to redress that grotesque imbalance in the world?

**Senator Timmy Dooley:** Like others, I welcome the Minister of State, Deputy Byrne, and thank him for the work he has done on this issue to date. I know that, committed European that he is, as we all like to think we are in this House, this is a welcome development. It is about underpinning one of the four fundamental freedoms upon which the European Union was founded and exists. I am relatively pleased with the progress so far. I have some concerns about the way in which the European Union initially managed the vaccination programme, the purchase of vaccines and the way in which that was handled. That is working its way through. I am pleased with the progress of the European Parliament, in that it has progressed this initiative with the Commission, and now it is down to the member states. That is always where it gets tricky. I look to Senator McDowell, who has far greater experience in dealing with the Council of Ministers than I or perhaps most in this House. What I am concerned about is the potential for domestic discretion, which is enshrined there and which is always helpful when it comes

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to the enactment of laws. I am concerned about the way in which the Government is moving, particularly on the free movement of people from an aviation perspective. We are an island nation on the periphery of Europe. The digital green certificate and the benefits that it accrues to member states and citizens of the European Union have far greater importance in Ireland than they do in France, Belgium or any other country, with the possible exception of Malta and Greece. The reality is that 90% of the travel in and out of this country is by air and we need an aviation plan to coincide with the introduction of the digital green certificate, not in some kind of sequence but developed in concert and at the same time. If we do not, then there will be real and substantial threats to our connectivity because airlines, aircraft and the airline business generally operate in a global sphere. Airlines are looking at their aircraft and wondering where they can make best use of them or get a return on investment. I do not need to lecture the Minister of State, as many airline workers live in his constituency so he knows full well the issue.

We need the Government and the Department of Transport to move quickly to develop an aviation recovery plan. The National Civil Aviation Development Forum is ahead of the curve by producing a document entitled Ireland's Aviation Restart Plan that it published on 14 April. The forum has made some very sensible proposals. An awful lot of research was done and there are about 14 recommendations. The forum set out a coherent plan for the recovery of the aviation sector. Of course it requires bringing to an end without delay the mandatory hotel quarantine aspect. The plan looks at the necessity to lift the ban on all travel except for essential travel. The forum does not prescribe or require that the ban is lifted today, tomorrow or next week. It just needs a roadmap or timeline for when we will get in line with other European countries. We introduced mandatory hotel quarantine but no-one else in Europe did it to the same extent. I was concerned about its introduction at the time because I thought it was a rather hasty response to where public opinion was at in that particular week. Public opinion changes very quickly when other fundamentals change. With a third of the population now having their first vaccine, I can assure the Minister of State that if he did a vox pop or any kind of polling or testing that he would discover that attitudes have changed dramatically. Also, the people who I met along the way who wanted hotel quarantining on a particular day now have shifted their focus and attention to getting on with their lives, so we need to be much more flexible. That is why I had real concerns about its introduction but it now has the capacity to be a major inhibitor to the recovery of the aviation sector, which employs 150,000 people. Notwithstanding the positive impact that the aviation sector has on our tourism and hospitality sectors, another 150,000 people, and perhaps more, are directly affected by not having international tourists.

To conclude, we need a wider perspective. This is why the role that the Minister of State plays, from a European perspective, can help in developing a bilateral arrangement with the United States because that is really important for the aviation and tourism sectors.

**Senator Regina Doherty:** I thank the Minister of State for coming to take this debate today because it was difficult to get. I appreciate that although the Department of Foreign Affairs is not responsible for rolling out the digital green certificate, he is here to represent the Government's views. I am genuinely appreciative of that so nothing that I say is personal to him.

I want to make some remarks about mandatory hotel quarantining because the Minister of State opened his remarks by saying that it was part of a response to the situation in which we found ourselves. The situation was grave in January but, to my mind, we were dragged kicking and screaming by populism to introduce mandatory hotel quarantining, to alleviate the blame or responsibility of where we were in a country. The Minister of State mentioned that we introduced mandatory hotel quarantining because the UK variant was having a significant impact in

Ireland. Despite this, we left the doors and windows open to Northern Ireland and the United Kingdom while picking on other countries and, in particular, on Irish citizens travelling to and from those other countries, through the requirement for mandatory hotel quarantining. It was highly regrettable that the number of exemptions far outweighed the number of rules, that we settled every single court case taken against us with regard to hotel quarantining and that we ended up having more holes in the system than there are in a bloody block of Swiss cheese.

The best thing we can do is to quietly let the sunset clause come and go and to accept that we made mistakes while acknowledging that we will have to work incredibly hard to rebuild our reputation, which is damaged not just with the Commission, but with our EU counterparts. That will be the Minister of State's job. Over recent months, ambassadors from countries such as Austria, Italy and France have bemoaned the treatment of their citizens and of Irish citizens living in those countries. I genuinely wish the Minister of State well in rebuilding our reputation but the best thing we can do is to let that sunset clause come and go and to let mandatory hotel quarantining be a thing of the past.

I welcome the Minister of State's reference to our legal obligations with regard to introducing this certificate and our absolute commitment to doing so. Only this morning, however, our national flag-carrier airline announced €103 million in losses for the first quarter of this year in addition to accumulated losses of €548 million for 2020. The Dublin Airport Authority, the semi-State body that runs our airports, has reported €250 million in losses. Ryanair has not told us of its losses yet but they have to be multiples of those figures. More than 140,000 Irish people's livelihoods have been in suspension since March last year. Those who are lucky enough to get it are living on the pandemic unemployment payment while others are living on a fraction of payments made under the employment wage subsidy scheme or temporary wage subsidy scheme because of the way in which their companies managed the roll-out of those income supports. They are all looking for consistency of language and approach from the variety of Ministers who have a responsibility to deliver the restart programme for our aviation industry and to roll out the EU green certificate.

There are eight flights leaving Dublin Airport tomorrow; two of these are going to Kerry, two to Donegal, three to America and one to London. Aer Lingus has told its staff that the company is over-resourced and that it requires a commitment from the Irish Government as to when and how the digital certificate is to be rolled out and notice as to the date on which it will be safe to turn on. Dr. Tony Holohan told us all yesterday to go and enjoy ourselves and to get ready to have a meaningful summer, yet the Department of Transport has said absolutely nothing about aviation for the last 12 months. We need to know when the restart programme is to be initiated. We need a lead-in period of at least six weeks because those tickets are not going to magically sell themselves as soon as we press the "on" button.

We also need consistency of language. We are talking about people's livelihoods. When we talk about the aviation industry, we are not talking about aeroplanes and big multinational corporate companies. We are talking about people who live where the Minister of State and I live. We are talking about people who live in Dublin, Shannon, Limerick and Cork and across the breadth of the country. These are the people who serve us when we get on the plane and the ground crew. They are not earning massive bucks. We are also speaking about pilots and the management of these organisations. Some 143,000 livelihoods have been suspended for the last 12 months. We are absolutely obligated to give them hope and a roadmap. Right now, we have given them nothing except a commitment. The question, however, is "when?" Legislation was passed in the UK six weeks ago. The very least we need to do now is to tell them

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when we expect the legislation to be passed in the European Parliament, when our IT system will be ready, what it will look like and what people will have to do to show they are eligible to travel. We need to tell the airline industry that it can, for example, start selling tickets for the month of July now, in May. We need to give airlines some sort of roadmap and some sort of hope because God knows that those 143,000 families across the country have done so much by living on €350. The very least we can do is to give them some hope that they will be able to earn their own livelihoods sooner rather than later. I thank the Minister of State for coming in today. I appreciate it.

**Senator Michael McDowell:** I agree with what the Leader of the House has just said about the importance of addressing these matters urgently. The damage that has been done to the aviation and tourism industries is very substantial. The damage that has been done in other sectors is very substantial as well.

It is true that we were rushed by some people into hotel quarantining on a kind of wave of public anxiety earlier this year. This system was defective from the moment it was enacted but it had to be done to assuage public opinion at the time, apparently, because there was a panic that things could get substantially worse.

**Senator Jerry Buttimer:** There was.

**Senator Michael McDowell:** By the way, I did not object to that Bill but I could see there were major problems with it, including no means of enforcement at all, and ridiculous scenes in the courts since then have confirmed everything I suspected of it.

The reason Ireland has been most vulnerable is because our health system is most vulnerable. The reason it is most vulnerable is that we have, uniquely in Europe, the lowest level in any developed country of intensive care facilities to deal with a pandemic of this kind. That situation has existed for the past nine years. Report after report has pointed this out, and the health hierarchy in Ireland, and I include all of them in this - the chief medical officers and the lot of them - should have done something earlier about that. It is a blame game to say that now, perhaps, but we do not know that there will not be another pandemic. We do not know that there will-----

**Senator Jerry Buttimer:** Does the Senator include Mary Harney? Does he include the Progressive Democrats?

**Senator Michael McDowell:** Sorry, that is the kind of infantile-----

**Senator Jerry Buttimer:** That is a fact. The Senator was in government.

**Senator Michael McDowell:** I was not in government in 2009 when the first report came in.

**Senator Jerry Buttimer:** Be fair.

**Senator Michael McDowell:** Senator Buttimer is out of order but this kind of antagonistic stuff-----

**Senator Jerry Buttimer:** What is Senator McDowell doing?

**Senator Michael McDowell:** I am not being antagonistic to anybody.

**Senator Jerry Buttimer:** He is.

**Acting Chairperson (Senator Mary Seery Kearney):** Members need to speak through the Chair.

**Senator Michael McDowell:** I am not. I am saying that we-----

**Senator Jerry Buttimer:** Let us be fair.

**Acting Chairperson (Senator Mary Seery Kearney):** Senator, you must go through the Chair. Senator McDowell, to continue without interruption.

**Senator Michael McDowell:** I am simply saying, and the Senator has to take this on board, that our vulnerability lies in the fact our health establishment saw a problem and did nothing about it for ten years. That is the reality. It had reports saying there was a problem and it did nothing about it. It did other things. It built children's hospitals, or started to build children's hospitals. It did other things but it did not address that issue.

What I am saying is that we now face a situation where there could be a recrudescence of this and some new variant could sweep over us. We have to now prepare for what should be done in future if facing this kind of pandemic situation. It is not something to be done in two years' time. We need now to work out what was right and what was wrong about the steps that were taken to deal with the pandemic. Was it really necessary to close down our building industry? Was it necessary to do these things? Did the 5 km limit, 25 km limit or whatever other limits really work? We have never worked that out either and somebody has to work it out but the last group of people who should be allowed to pass judgment on this are the same health hierarchy who brought in these measures. I am saying that we need now to begin to work on these issues. Bill Gates said a few years ago that this was going to happen. It is not something which has come from nowhere, and it could easily come again.

I want to say this about Ireland's response. This is the last time we will be sitting on a Friday for some time, perhaps, which I deeply regret and which I opposed yesterday when these decisions were made. However, these Houses are a Parliament of a sovereign State. We have to get our act together to make sure that we start working again, that the Dáil comes back into this Chamber and uses it, that the Seanad goes back to its Chamber and uses it, that it sits three days a week and that its committee work is done.

**Acting Chairperson (Senator Mary Seery Kearney):** Time, Senator.

**Senator Michael McDowell:** I was badly interrupted, so the Chair might give me another 20 seconds.

It is important that we do not spend our time making futile statements to each other and that we deal with legislation, which is badly needed. Where is the Land Development Agency Bill? Where are all these measures? We need to get on with the work. The Houses, as the Legislature, need to be in a position to do their work. A really serious error was made in that we exercised no effective scrutiny over the regulations as they were being made. Other parliaments did. We gave up on the job.

**Acting Chairperson (Senator Mary Seery Kearney):** I have given the Senator a lot of latitude.

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**Senator Michael McDowell:** With the vaccination programme, we have a lot to be glad about, but we have a lot to learn from what went wrong in the past year in Ireland. We should not be clapping ourselves on the back too prematurely in the circumstances we now face.

**Acting Chairperson (Senator Mary Seery Kearney):** I believe we heard the Tánaiste say in the House last week that it would be extensively reviewed. He welcomed that as an idea.

**Senator Fiona O'Loughlin:** The Minister of State is very welcome. I am aware that, since his appointment, he has been dealing with the myriad issues we have faced owing to Covid and EU business matters. I thank him for that. I wish him well with the remainder of his term. Maybe we took for granted the right to travel that we had before Covid and the freedom we had to make decisions on what we wanted to do with our leisure time and our time to connect with family, and also on business. We never had the time to realise how precious this freedom was so we must now do our best to ensure a safe return to travel. That is really important for business and leisure and to give families an opportunity to reconnect. Almost all of us have families who live in parts of the world, including elsewhere in Europe, and we have not had a chance to see any of them over the past 14 months.

It has to be noted that the vaccination uptake has been really high. That one third of all adults have had at least their first vaccination is really important, and that is why the roll-out of the European digital green certificate is particularly important at this time. As Members of the Legislature, we have a part to play regarding the European digital green certificate. There has to be proportionality in measures concerning public health and keeping people safe, with an effort being made not to interfere with people's fundamental freedoms. We have all received correspondence on that because there is a balance to be struck between the protection of fundamental rights and legal implications. The European digital green certificate that is being proposed, which the Minister of State has outlined, strikes a balance. It does not just seek proof of vaccination from an individual who wishes to travel. That it also has regard to a negative test result or recovery from Covid-19 is important because there are those who do not wish to be vaccinated, for one reason or another. There is no way that we should be trying to force those individuals although we should try to encourage them to get vaccinated. We realise we are in a very privileged position when we see other countries' circumstances around the world, particularly in India. I noted US President Joe Biden's very fine statement on intellectual property rights and vaccines. I hope we will add our voice to it.

Ireland is getting ready to open internally for business and societal reasons but we need to send a very strong statement to Europe and the rest of the world that we are also getting ready to open for business with the world. We would have had our busiest week last week in Kildare with the Punchestown races. There would not have been one hotel or restaurant to be had within a 40- to 50-mile radius. Many would have come from overseas. Sadly, we are at the lack of that. We want to ensure those in tourism and business that we have everything in place to enable that to happen. Everything the Minister of State has said in terms of having the framework and software ready absolutely fits into that agenda.

It is important to stress that these digital green certificates are not vaccination passports and we do not want people who cannot be vaccinated for medical reasons to be discriminated against. EU countries are developing national software and we are absolutely depending on that to happen.

**Senator Jerry Buttimer:** I welcome the Minister of State. This is an important debate

because I do not have any confidence that we will be ready to have the EU travel certificate. I have no confidence whatever about it. I listened to Professor Ferguson at the Joint Committee on Transport and Communications Networks this week. There has been no interaction between him and the Government and yet he chaired the expert group for the Government.

I commend the Minister of State on his work. The Covid-19 travel certificate is important to us as an island nation and it is coming. The European Parliament has passed it and it is here. It is incumbent on the Government to be ready.

Senator McDowell expressed remarks on certain people who should not re-evaluate the events of Covid-19. I do not have any confidence in our being ready for the EU Covid-19 certificate. I hope I am wrong and I want to be wrong. I recall the contribution of Senator Dooley at the Joint Committee on Transport and Communications Networks. Some 150,000 people, including 40,000 in the aviation sector, are threatened and affected by this. This is of immense importance, as the Minister of State knows well. I want us to understand that connectivity is critical to us from the perspectives of the tourist as well as the aviation and travel industries.

As an aside, we have credit card companies hawking on travel agents looking for inordinate amounts of money. This was raised at the joint committee by representatives of the Irish Travel Agents Association this week. Something is wrong or amiss.

Covid-19 is changing the world and the way we travel and we must be ready for that. I attended a virtual meeting with representatives of the International Air Transport Association. They have a clear request of the Government on being prepared for a restart, on preparation for recovery, on employment support and on cost containment.

The other pressing part is the whole issue of antigen testing. Professor Ferguson made that point at the committee this week.

We have a lead-in period. We must be ready; we have to be. I want the Minister of State to leave here today under no impression but that as a nation, we must be ready to have this certification. As Senator Doherty said, jobs and livelihoods depend on it not only in Dublin but in Cork and Shannon as well.

I wish the Minister of State well in his brief. He has done a major job thus far as the Minister of State with responsibility for European affairs. My comments are not critical of him in any shape or form. I want us to be able to say to the international world that we are back and open in June, July or whenever this comes into being. I want the Government to engage with Professor Ferguson's group and the travel agents who have had to endure an onslaught from the credit card companies, which have been seeking large cash deposits when they are already bonded.

**Senator John McGahon:** This was something I was mulling over in my head as I was coming down today. I was wondering what I would and would not say. I did not know what I would say before I came in so I sat here and listened to the debate. I thought I would make my remarks off that.

Senator Buttimer last comment was that we are back and open. Straight away that hit me. I agree absolutely and take the view that, as an island nation, this is exactly the message we need to be sending to the European Union and the world. The digital green card will allow us to do that. I have no problem with that, and I will be the first in the queue to get it. I am really looking forward to it. It allows for safe travel and the safe reopening of European airlines.

Colleagues discussed how public sentiment swayed decisions a couple of months ago. We had zealots promoting the concept of zero Covid on this island, which was never going to happen. It was ivory tower type of stuff. All the people who work in the aviation sector were thrown to the wolves. Senator Doherty spoke much more eloquently than I can about them. Those types of jobs and the wage packets of those people was not a concern to the people who were advocating for that policy. It is this type of certificate that will allow those people to get back to work, to put food on the table and to put money back in their wage packets after the past 12 months. We are very lucky in this House, as most of our jobs have stayed pretty much the same, but we can imagine how it was for people who have been out of work for the past 12 months and who will be some of the last to go back to work.

My final point relates to what Senator McDowell said about the fact that we have much to learn from what has happened. I agree that we do. It might be another two years before countries right around the world can have the perspective to look back and say Ireland did this wrong, Ireland did this right, India got this badly wrong or Sweden had the right approach six months ago. Everything is unprecedented, but at least the Government had the ambition to try things out to see if they worked. That is the point people miss at times.

Other speakers in the debate have referred to mandatory hotel quarantine. Where are the people now who were howling for the introduction of mandatory hotel quarantine? They are gone out the back door. We do not hear them talking about that any more when it looks not to have worked out, but they were howling at the top of their voices for it back in January of this year. Bill Gates previously warned about something like this happening. If God forbid, something like this happens again – it is very likely it could – it is very important that countries like Ireland and countries in the European Union take stock of their response and see what worked and what did not work so that there is a dedicated, coherent emergency plan for an outbreak of a virus, which in the future could be far more deadly than this one. We need to take cognisance of that, and this digital card is something that could be used in the future. I very much welcome it.

**Minister of State at the Department of the Taoiseach (Deputy Thomas Byrne):** Gabhaim buíochas le gach duine a ghlac páirt sa díospóireacht thábhachtach seo inniu. Like everybody who has spoken here today, airport workers and airline workers are my friends, my neighbours, my relations, and my constituents. This is an issue of great importance to me, but also to the Government as well. They have been in such a difficult position for the past year or more and they have lived with such uncertainty. I see great anxiety among them. I do not blame them for that for a moment. The uncertainty is leading to anxiety. Unfortunately, uncertainty is par for the course during a pandemic. What is happening with this proposal is a desire, not just to open up aviation, but to ensure that our fundamental rights as citizens of the EU can be vindicated.

A number of issues were raised during the debate and I will try my best to address them. To be clear: the digital green certificate is designed to facilitate travel between EU member states. It may be renamed in the negotiations but that is what it is called at the moment. It is not designed as a domestic passport. It is not designed as a vaccine passport. I heard many colleagues mention that today. It is simply designed to assist people to get across the border of another country.

What is happening currently is that Ireland is already accepting vaccine certificates from certain people. It allows people not to go through mandatory hotel quarantine in certain circumstances. We are already doing that, but there is no standard way of doing it. We are already

accepting negative test results, but people who are currently on essential travel at the moment with negative test results have to make sure they have them in the right format. A text from the HSE is not enough. Is the letter or email a person has from the test company enough? Nobody knows what the standard is. The digital green certificate will facilitate essential travel. The current approach is non-standardised across the European Union. People currently on essential travel do not know what their airline will look for or whether what is required in one member state is different from what is required by another member state. I accept that very few are travelling but some people must travel.

A number of speakers addressed the potential challenges of the digital green certificate and I accept there are challenges involved in implementing it. Every member state is facing those challenges. What is happening is that the European Commission has a technical working group on it. It published many of the technical specifications for this online. We can see them on the Commission's website. This happens through ehealth at EU level. The Irish Government is fully participating in this. The Commission has also offered financial support to member states to put this in place. It is my understanding that the Government has applied for financial support from the Commission to put this in place.

This will happen and when the regulation is in place and when it becomes effective it will be a legal obligation of the State to provide this and a legal right of citizens to have it. I emphasise again that this is not a vaccination certificate. Some member states may let a person in for holidays on the basis of a negative tests result and the person may not be vaccinated at all. That is a matter for those member states. They will make that decision and we will make our own decisions. I hope it will be soon enough but we must continue with the vaccination programme to work its magic in greater numbers. We will make those decisions but there will be countries that will let tourists in simply with a negative result, and the digital certificate will work for that scenario. This will not be a vaccination certificate. No decisions have been taken about domestic use. We need not be worried about a Big Brother scenario in this context. It is simply for the pandemic, it is time limited and it will not last forever. Vaccination will not be a requirement for free movement. This is why there are three parts to the certificate.

Senator Martin and others have raised the very important point of global solidarity. We beat ourselves up too much in this regard. President von der Leyen was correct yesterday when she said that the EU is the pharmacy of the world. The same amount of vaccine doses provided in the EU has left the EU as exports. Through the EU, Ireland has been to the fore with the COVAX programme in donating vaccine to poorer countries, including to the Palestinian territories. We have seen the great success story in India, but the Palestinian territories have had to rely on charity from others, and assuming from their own resources also. As well as this, the HSE and the Government have provided huge amounts of oxygen-related equipment to India this week, which is very welcome. We can beat ourselves up too much on this. President Biden has announced the trade-related intellectual property rights, TRIPs, waiver on vaccine patents, which is welcome. No vaccines have left the United States of America, however, or at least until now, whereas they have left the European Union.

I take on board Senator McDowell's comments and there is no doubt that what has happened during the pandemic will be looked at. We all know neighbours and friends who have died. My deepest sympathies to everyone who has been affected by this. Each case is a tragedy. The death rate in Ireland, however, is among the lowest in Europe. There are various reasons for that, but it is not down to a shoddy health service. It is down to excellent healthcare, to the protective measures taken by the State, and to the priority we put on it. So far so good, but one

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can never predict with this pandemic. We certainly do not want to do that. The vaccination is working its magic. It was announced today that one in three people have had their first dose and we have really seen the acceleration of the programme over the past few weeks in particular. The Government has taken decisions on a graduated basis to open up the country and, undoubtedly, the Government will take decisions in the near future on international travel.

I assure Senators that all of the challenges faced with regard to the digital green certificate are being advanced, in parallel with the negotiations happening at European Union level. These negotiations are due to finish in early June, when the European Parliament will hold a final vote, and then the Council must approve it also. Ireland does not have absolute control over that. It is going to happen. In parallel, we are working to make sure we are ready for it at the time we are legally advised to have it in place. The digital green certificate will be embedded into current travel measures to reflect the care we are already taking to mitigate the risks of importing further cases of Covid-19 and new variants of concern into Ireland.

Ireland has only closed its border once for essential travel, to Britain for a few days at Christmas. I am sure that all Members were inundated with calls from people about absolutely essential travel at that time and who had to come home. The Government at the time arranged for aeroplanes to get people out of Britain who had to come home. We saw how necessary aviation was at that point. Other member states have imposed travel bans. We have been banned from travelling to certain member states over the course of the pandemic, which were temporary measures. Mandatory hotel quarantine has not been implemented in every member state. Ireland has brought in the measure and Britain has introduced a form of it. Even there, credit is given for vaccination, which is very welcome. I am aware that the Commission has been in touch with the Department of Health in this regard. These measures are taken on a temporary basis in the interest of public health. Senator Doherty referred to the sunset clause in such tough legislation, which it is.

*3 o'clock*

The focus, of course, is on maintaining control over the disease, preventing a further wave of infection which occurred in Chile after it reached a 50% vaccinations target. We always have to be careful never to take anything for granted. We must support the health service, which has been pushed to the limit. It needs to deliver the vaccination programme. Today, one in every three people has been vaccinated with a first dose. That is a fantastic achievement on the part of the HSE, the Department of Health, vaccinators, staff and volunteers. There are many volunteers working at vaccination centres and it is important to recognise them.

The Government continues to work strenuously with EU colleagues in the context of the pandemic to ensure co-ordination and alignment wherever that is possible. Covid-19 is a global challenge and we are committed to continuing to work with other EU member states and international partners to address it together.

*Sitting suspended at 3.01 p.m. and resumed at 3.15 p.m.*

**Education (Leaving Certificate Examinations) (Accredited Grades) Bill 2021: Order for Second Stage**

**Senator Fiona O'Loughlin:** I move: "That Second Stage be taken today."

Question put and agreed to.

### **Education (Leaving Certificate Examinations) (Accredited Grades) Bill 2021: Second Stage**

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

**An Leas-Chathaoirleach:** It is my great pleasure to welcome the Minister for Education, Deputy Foley, to the House and to invite her to speak.

**Minister for Education (Deputy Norma Foley):** Gabhaim buíochas leis an Leas-Chathaoirleach. Is mór an onóir dom a bheith anseo agus ba mhaith liom ar dtús mo bhuíochas a ghabháil as an am agus an deis a thabhairt dom labhairt leis na Comhaltaí inniu. I am honoured to be in the House to bring the Education (Leaving Certificate Examinations) (Accredited Grades) Bill 2021 forward on Second Stage and to open this debate.

When I was appointed as Minister for Education on 27 June last year, it was clear to me that beyond the immediate priority of reopening schools, it was vitally necessary to support leaving certificate students. Even under normal circumstances, completing the leaving certificate and transitioning to the next phase of life can be a challenging time for students. In the midst of the Covid-19 pandemic, this challenge has been heightened for our students who have missed out on important rites of passage and have sacrificed time with their friends, playing sport, working in part-time jobs, and so much more in order to protect their loved ones and indeed broader society. For many of these students the continued operation of school has been a source of routine and stability of great importance. I commend school leaders and communities on the work they continue to do to maintain and sustain our schools and keep them open. From the successful reopening of schools in late August and early September last year, students were able to attend school each day, something which provided an important social outlet for them, ensured they received the academic support they needed and, in some cases, provided a respite from challenging personal circumstances.

Regrettably, after last Christmas, amidst very high levels of Covid-19 and the increased challenges associated with the new B.1.1.7 variant, our schools were required to close for another period to support the broader minimisation of movement within Irish society. This period of school closure, similar to last year's closures, inhibited many students' learning and heightened a sense of anxiety and isolation, at a time when students are in particular need of academic and holistic supports. Amidst this considerable uncertainty and in the context of this loss of learning, the Government took the decision to provide leaving certificate students with a choice of accredited grades, to sit examinations in a safe manner or to avail of a combination of both. Last year, through the co-operation of everyone in the school community, the leaving certificate class of 2020 was able to complete its education at post-primary level and to progress to the next phase of the students' lives, whether in further study or in the workplace. The process of calculated grades was far from easy for many teachers and principals, and I am deeply appreciative of the work they undertook solely for the benefit of their students and the class of 2020.

In 2020, the decision on calculated grades was made at a time when legislation could not be

brought forward. As a result, the calculated grades system was operated by the Department of Education with the support of staff seconded from the State Examinations Commission, SEC. The State Examinations Commission's powers are as set out in the establishment order of the commission, given effect in 2003. Those powers relate solely to the operation of examinations as defined in the Education Act 1998. All this and, most acutely, the need to support the leaving certificate class of 2021 have led the Government to bring forward the Bill before the House today.

The approach the Government is taking to the leaving certificate of 2021 seeks to apply the lessons of calculated grades in 2020. We have also listened to the views and reflections of the advisory group on the State examinations which was reconvened, having played a significant role in 2020. It is worth noting that the accredited grades of 2021 differ from the calculated grades of 2020 in a number of significant ways. First, subject to the enactment of this Bill, this system will be operated by the State Examinations Commission. Second, and perhaps most importantly, and subject to public health advice and considerations, written leaving certificate examinations will proceed from 9 June. This is designed to ensure that the choice which many students had sought and which was decided upon by the Government is a real one. A clear process has been put in place to facilitate students who are studying outside of school settings, either entirely or in individual subjects, to obtain accredited grades. I have been very clear that the school historical data, which some refer to as school profiles, which was ultimately excluded from the 2020 system will also be excluded from the accredited grades system in 2021. A point of concern for some in 2020 related to rank order data being released. This year, teachers are not being asked to generate class rankings. The Department of Education has engaged Educational Testing Services, ETS, as the contractor to develop and deliver the standardisation process on school-generated estimated marks. We also expect to appoint a second quality assurance contractor shortly to provide an added layer of confidence that the process of standardisation operates as expected.

While some Senators were able to attend a briefing for members of the education committee on the day the Bill was published, I will now set out the principal provisions contained in the Bill. Section 1 sets out the definitions to be used in the Bill. The phrase, "Leaving Certificate 2021" comprehends the conventional examinations provided for under the Education Act 1998 and the accredited grades process. The "teacher" and "tutor" definitions are designed to capture everyone who is directly involved in providing an estimated mark which, following a process of standardisation, results in the establishment of an accredited grade for a student. The definitions of "teacher" and "tutor" are sufficient to capture the non-curricular languages approach by including subject assessors within their meaning. Section 2 sets out the main elements of the system of accredited grades, which will be further elaborated upon in regulations if and where necessary and in written and published procedures developed by the SEC. Section 3 provides for the indemnity, previously approved by the Government, which is written comprehensively to include any person who performs a function in relation to the provision of estimated marks. This includes persons who may provide tuition to students outside of in-school provision and who might refuse to provide evidence of such a student's learning in the absence of such an indemnity.

Section 4 deals with canvassing of those providing estimated marks and stipulates that, where such canvassing occurs, the SEC may withhold results from a candidate. Detailed procedures in regard to the operation of this provision will be provided for in regulations or be dealt with administratively, should such an issue arise in advance of the commencement of this pro-

vision. Section 5 provides for an ability for the SEC to withhold results if false or misleading information is provided for the purpose of the award of an estimated mark. Section 6 provides a non-exhaustive list of the functions that are to be conferred upon the SEC and what may be provided for in regulations in addition to this.

Section 7 provides a regulation giving power to the Minister to give effect to various procedural aspects provided in other sections, principally in regard to the withholding of results and the operation and conduct of appeals. Section 8 contains a power to designate people to be tutors in addition to those already defined in the Bill. This is intended as a safety net in case somebody or a class of tutors has been inadvertently omitted from the definition as currently drafted. Section 9 provides the SEC with the power to provide a leaving certificate in respect of 2020 students on the basis of the best of the grades achieved by the students from the calculated grades process or the written examinations held subsequently. This will ensure that the leaving certificate of 2020 will have the same look and feel to it as any other year.

Section 10 provides a statutory basis on which the personal data of leaving certificate 2021 candidates can be processed for the purposes of the operation of the accredited grades system. The section allows for data sharing between the Minister, the SEC, the external contractors involved in the process of standardisation, including any quality assurance contractor retained, and any persons acting as appeals officers. This section has been the subject of consultation with the Office of the Data Protection Commissioner. Sections 11 to 13, inclusive, are standard in nature and relate to the laying of orders before the Oireachtas, expenses and how the Bill once enacted may be cited.

I referenced in outlining the details of the various sections that regulations will be required in some instances and their drafting will proceed in parallel with the passage of the Bill through the Oireachtas to facilitate commencement of this Bill once enacted. The administrative planning for and early steps in the accredited grades process are under way, being led in the first instance by my Department pending the enactment of the Bill. This work is in close co-operation with the State Examinations Commission, which will assume the lead role when the appropriate legislative powers are conferred upon it. A variety of guidance documents have issued to students, schools and those studying outside of school settings in recent weeks. The logistics involved in ensuring each strand can proceed as planned, whether examination or accredited grades related, are huge and continue to require close attention and commitment from all concerned.

Recognising that the various strands of preparatory works for leaving certificate 2021 are well under way, with the oral and practical examinations for the vast majority of students having already taken place, I wish every success to all leaving certificate students. Teachers will proceed to generate estimated marks in the period between 14 May and 28 May, with the school alignment phase following immediately after that. I particularly note the leaving certificate vocational programme students and those seeking accredited grades in non-curricular languages, who will be undertaking various assessments tomorrow. I wish them every success.

Each time I have been before this House, Senators have shown a very clear and real commitment to students across all levels of the education system. In those various debates, the leaving certificate classes of 2020 and 2021 have been routinely highlighted. The Bill seeks to provide further support to those students and deliver on the clarity that Government decisions seek to give them. The Bill has been carefully considered and I acknowledge the role of the Parliamentary Counsel in drafting it. I am aware that a number of amendments have been tabled by

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Senators and I look forward to considering those on Committee Stage. I have also tabled a small number of technical amendments, which we will also have an opportunity to discuss. In the meantime, I look forward to hearing from Senators in today's debate and I commend the Bill to the House.

**Senator Fiona O'Loughlin:** I welcome the Minister to the Chamber, which is her Chamber also.

It has been a difficult and tumultuous time for the leaving certificate classes of 2020 and 2021, their parents, their teachers, the whole school community, the Department and the Minister. The word "unprecedented" has been bandied about a great deal over the past year, but the task faced by her office and the Department of Education must have seemed overwhelming at times. Our appreciation must go to all of those involved in the Department and the school community who have gone above and beyond the call of duty to ensure that we had a leaving certificate of sorts last year and that the class of 2021 will have every opportunity to show their best selves. We all want every leaving certificate student to have the opportunity to showcase the best of his or her abilities and talents in order to transition to the next period of life, be that in university, an apprenticeship or the workforce. Last year, human error added to the trials and tribulations of the accredited grades system, so it is important that students know that our systems have been tested, we have all learned lessons and we are now giving them an exam system they can trust.

This is an important Bill. Last year, we thought that no one could have it as hard as the leaving certificate class of 2020. We did not believe that, 12 months later, we would be looking at a similar situation. The current sixth years have experienced difficulties over the past 14 months. To their credit, they organised themselves in an incredible way. They became vocal and formed a strong advocacy group. The Minister listened to them and patiently took the time to engage with them, as did many other Senators and I. That engagement was very important.

I thank the Minister for the consultation process that she undertook with all education stakeholders - students primarily, but also with teachers, boards of management, principals, patrons and everyone else who was involved. Having that process was important, as was considering every nuance to be able to reach a stage whereby the Minister could offer the best opportunity to students. That is what is on offer in this Bill. Allowing students the opportunity to choose between the accredited grades system and the traditional leaving certificate is important. More important, they have the opportunity to do both. I know from talking to students who are sitting their leaving certificate this year, in particular my niece and her friends, that while their first choice was to go down the accredited grades route, with the encouragement of many, in particular the Minister who took a strong leadership role in this area, 80% are now opting to also take the written examination. Truly, they have the best opportunity. As emphasised by the Minister, the student will have the best result of both and so will have two chances to try to get it right. That is wonderful.

In terms of the Bill, we know that its main purpose is to confer on the State Examinations Commission the necessary powers to run a non-examination based form of assessment to inform the student's results for the leaving certificate. This was signalled by the Government decision on 17 February. This could not be done last year because as the Seanad was not in place it could not go through that process. As I said, that students have the option of applying for accredited grades or sitting the leaving certificate examination, or both, is significant. That students have an additional choice within their examinations is also important. We all know

the stress that comes with leaving certificate examinations in normal times. There is additional stress this year. We are all concerned about the impact on young people's mental health, in particular those sitting State examinations. This provision goes a long way towards alleviating that stress for them.

The statutory indemnity for teachers is also important, as is the section dealing with canvassing. I acknowledge the proposed engagement with education planners. One of the important factors in this Bill is that it ensures there will be no rank order data. Two issues arose last year. The ranking led to issues with some of the schools that would traditionally have had higher grades. The release of the rank order also caused a difficulty for teachers. I am glad that that point of concern is being addressed. I am glad also that the schools' historical data, once again, is being excluded. A clear process has been put in place to facilitate students studying outside of school settings. That is important. The Minister has engaged Educational Testing Service to develop and deliver the standardisation process. I welcome that she proposes to point a second quality assurance contractor.

I take this opportunity to wish all of our students well. Before we know it, the examinations will commence. As pointed out by the Minister, some are starting tomorrow. It is a difficult time. Following on from this debate, we need to look at how we can best prepare our students for life and how we develop their critical thinking and resilience. I look forward to the Citizens' Assembly discussion, which will happen across the country, on how we look at the future of education and how we can best equip our students going forward.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire. I echo some of what Senator O'Loughlin said in terms of welcoming the clarity that this Bill brings to the learnings from last year. We can all recall the various issues that arose last year at a very difficult time for people. Many people will have been somewhat discombobulated as they grew to learn more about the element of sausage making in the processing of leaving certificate results and the standardisation. I think few people would claim to understand it but it was possibly quite unnerving for many people. What we are trying to achieve here is for the sausage making to be done as fairly as possible. I am glad that provision is being made for people outside the normal system such as those who are home schooling and the experiences and lessons of last year are being learned.

I welcome the fact that the lead into the leaving certificate examinations this year involves less of the sort of frenzy and chaos that we saw last year. It is still a very trying and anxious time for all involved, as the Minister well knows, perhaps better than anybody, but it is a positive that at least students have some decent knowledge of what to expect and can plan accordingly. I note that the use of the phrase "the look and feel of the leaving certificate" is being restored by the fact that leaving certificate examinations will take place in the normal way at the normal time.

While it is good to see schools fully back and State examinations proceeding with some kind of normality and proper structure, we can never underestimate the damage that has been done to the education system and the well-being of so many young people over the past year. Every week that schools remained closed meant that additional stress and strain was placed on students by the uncertainty over State examinations, so it is good that the psychological barriers of the school reopening and the examination arrangements have been crossed to a large extent.

I spoke in the House last September about the lessons we should learn from the Covid experience and its impact on education. For the past 20 years, the welfare and well-being of young

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people often seemed to be sacrificed at the altar of the State examinations and access to college. Covid brought this into very sharp focus. The leaving certificate and the progression to third level are increasingly seen as “box-ticking” exercises both by young people and by the system - hurdles to be crossed and chores to be got through on the road to third level or the employment market. A teacher observed to me that our system is increasingly constructed with employers and multinationals in mind; often seeming to treat our young people as economic units. I ask whether enough consideration is given by policymakers about how to shape or help form young people so they can become fully rounded human beings.

Policy in this area of examinations and examination standards seems to be heavily driven by Department of Education officialdom. There seems to be an obsession with comparing our system to systems in places like Finland and Queensland, which are often held out as benchmarks. There is also a quasi-religious devotion to the Programme for International Student Assessment, PISA, league tables compiled by the OECD.

Instead of constantly trying to benchmark our system against models in other countries, while always having due regard to what other countries are doing, can we not build an education system that suits our society, our needs and our young people? I read somewhere that the man who designed the examination system in Finland pleaded with other countries not to try to copy its system because in his words, every country is different and yet our educational establishment still engages in that exercise of imitation. It must be said that State policy follows the same path across successive Governments. I am not laying this at the Minister’s door but in the past, there has been a tendency for successive Ministers to be co-opted by civil servants and have their policy agenda handed to them. With due regard to the good intentions of everybody involved, that is a temptation or a potential tendency within the system. It involves depersonalising the issue and finding the appropriate balance between the role of the Minister, who must follow to some extent but also lead, and the role of policy advisers and civil servants. I put that out there as a principle to remain with.

One recent example involved a research paper called “Advancing School Autonomy in the Irish School System”, which was originally written almost ten years ago. The paper proposed a series of radical changes to how schools operate that would have brought us closer to a British model of more locally independent schools. A consultation with schools in 2015 showed that the proposals went down like a lead balloon and were a non-runner and yet they reappeared in the 2016 Fine Gael manifesto, which proposed to implement those proposals in a Bill. I wonder whether that was a prime example of mooted Government policy not being set by elected politicians but being set elsewhere. Was this a case of a doomed and failed policy proposal being recycled, copied and pasted into the manifesto of a Government party? If it is, it is not the way I would like to see our education system being led and run. We need distinctive Irish policies to suit our needs as a country, not policies imported from abroad.

I have two issues to raise with regard to the Bill. I raise them tentatively because I am conscious of the effort and expertise that is going into solving the problems we have had. I pay tribute to the Minister for her hard work and to the people working with her in the Civil Service, the Department and so on in seeking the best outcomes.

Under the Bill, students will have a chance to opt between sitting the exam and the calculated grades, and taking the best of the two. Some people have expressed concerns to me that this might lead to attempts to game the system to a certain extent. For example, a student might opt for a calculated grade in Irish, which is generally seen as a difficult subject, but might choose

to sit a written examination in, for example, geography, because it is seen as a subject where a good result is achievable in a written exam. We would say fair play to the student who seeks to work the system to his or her best advantage. After the year students have had, we certainly could not blame them. Are there issues there for the integrity of our education system and the consistency of grades? While on the surface it seems welcome, to give people the best of both, could it lead to a gaming of the system where people make strategic decisions about which examinations they sit the paper for and which they take the calculated grade for? It looks reassuring but is there a risk? Many people will ask if the calculated grade is always likely to be better than the written examination. Is a hedging of bets envisaged by this approach that might not ultimately be to the good of the system and with the ultimate good of the people served by the system in mind. I ask those questions tentatively, but if the Minister has anything to say about the consideration given to those concerns, I would be interested to hear it.

I have heard anecdotal evidence, as I am sure have other Senators, that the novelty of the calculated grades has meant that individual schools and teachers have substantially ramped up the amount of in-class testing they do. The aim is probably to ensure they have sufficient grounds on which to assess calculated grades and a basis on which to stand over them if they are challenged. I have heard that in some cases, assessments are carried out almost daily. I ask the Minister for her opinion on that. I meant to look up the difference between the words “continual” and “continuous”. I would be worried if continuous assessment meant that students were being continually assessed. We all know the difference between intermittent rain and continual rain. I would be concerned about that too. I did not think anybody ever intended that the grades would be taken so literally.

**Senator Aisling Dolan:** Cuirim fáilte roimh an Aire. I welcome the Minister, Deputy Foley. In her opening speech, she mentioned that she was nominated on 27 June. It is phenomenal to think of what has happened and what has been achieved in that year. It was a steep learning curve for the Minister. As Fine Gael spokesperson on education, I support this Bill to amend the 1998 Act to allow the State Examinations Commission powers to operate the accredited grades system for the leaving certificate examinations for 2021. From speaking to leaving certificate students, they welcome the choice that is offered for each subject either sitting the traditional examinations or opting for accredited grades. It has definitely reduced the anxiety and stress levels. I commend the Minister and the officials from the Department of Education on working to reach a solution after such a difficult year for students, parents, principals, teaching staff and administrative staff. It has included the entire community involved with keeping our schools open for the duration of the lockdown.

There were many concerns last year and I am happy to see that with this legislation and the measures that have been taken, they have been substantially resolved. Some of them related to the accuracy of the algorithm. The Department and the briefing the Minister provided to spokespersons have confirmed that Education Testing Services, the company that resolved many issues from last year, will lead on the algorithm and will develop a brand new one. This will be tested by the company, the Department and, as the Minister note, an independent third party that has yet to be contracted. This can only strengthen our confidence and mitigate against the difficult issues we encountered last year which had such a severe impact on students. My main concerns have been around quality assurance. I am delighted, therefore, that these measures have been put in place.

I am very pleased that ranking, another major concern, has been removed and teachers will not have to rank students this year. I am also pleased that modifications have been made to the

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examinations to allow further choice in exam questions. There are roughly 1,600 out-of-school learners. Panels of three teachers at school level will be formed to evaluate evidence.

There are necessary elements in the Bill. It provides for the sanction of withholding results in the event of canvassing of teachers by students' parents or giving false information. This will be handled in a proper manner and conversations will be held with all groups. It also provides indemnity for teachers and tutors.

I will ask the Minister a few questions and perhaps she or her office will respond. What measures are being put in place to ensure this process will meet timelines, ensure students receive their results as scheduled and there will be no impact on the CAO allocation process? I am aware that extra staff have been seconded to the State Examinations Commission.

Does the Minister have feedback on what measures might be taken into account when students who are fifth years now and have been impacted this year and last year do the leaving certification examination next year?

For the more than 1,600 out-of-school learners and 800 students of non-curricular languages, it was very difficult to get a calculated grade last year. The panel of three teachers must review evidence from qualified teachers and tutors. I ask the Minister or her office to provide details on acceptable evidence? What is acceptable evidence? Has this information been circulated to principals and schools? Will there be contact in a timely way? Will the Department proactively engage with out-of-school learners or will it be the schools?

With regard to resources for schools, administrative supports are very important. I welcome that the Minister allocated funding for leaving certificate aids in March of between 50 and 60 days. There has been a huge load on principals, of which I am sure the Minister is aware. They have been phenomenal in everything they have done this year but there has been huge stress and there is burnout. I also acknowledge the extra work that was allocated to school secretaries because there is an extra element this year that previously may have been done by the State Examinations Commission.

The Minister for Further and Higher Education, Research, Innovation and Science, Deputy Simon Harris, has committed again to providing an extra 2,000 college places. We also know that, as part of the apprenticeship programme, the number of apprenticeships to be achieved by 2025 has been increased from 6,000 to 10,000. In what way does the Department of Education support the delivery of extra places? Can placements be done for special needs assistants? We could have extra teaching placements. How can we support that?

There is a silver lining because we have a chance to review the leaving certificate format. We can see how continuous assessment relieved some of the pressures during the examination period. The National Council for Curriculum and Assessment, NCCA, is conducting a review of the senior cycle. I understand that phase 1, which involves scoping 2016-17, has been completed. Phase 2 is the school-based review and national seminars. With phase 3, the emerging themes from the review were gathered in the senior cycle review consultation document. If I am correct, the next stage of the review is the generation of an advisory report on priority areas by the NCCA for the Minister. I understand this work was done in advance of the impact of Covid-19. I ask the Minister to outline her perspective on whether this work can be accelerated. We have a real opportunity to examine what continuous assessment has delivered for students this year. We see that it has reduced stress and anxiety among students and perhaps has a better

impact on some students who do not perform well in an examination setting.

On movement around schools, having spoken to principals and teachers, I know that students are currently based in one classroom and teachers have to move lock, stock and barrel. The reason for this is to reduce movement within schools. I also know lockers were closed. This requires an awful lot more planning by schools. Will there be a timeline to notify school principals about how the approach will work in September? Will these measures still need to be in place in September? Will the Department let principals know in advance?

Another major issue relates to the area of disadvantage, which I know is a little bit outside of the subject of this debate but it is an issue I have raised previously in a Commencement matter. There is no timeline publicly available for the completion of the review of the Delivering Equality of Opportunity in Schools, DEIS, resource allocation system. Is it possible to set up tiered support for schools that are urgently in need right now? We know that allocation has not been done since 2015. Some 70 schools were reviewed in 2017. The hot school meals programme falls under the remit of the Department of Social Protection and home-school community liaison under that of the Department of Children, Equality, Disability, Integration and Youth. However, if I understand correctly, designation and approval is a matter for the Department of Education. There have been difficulties arising from lockdown and increases in disadvantage and child poverty. A recent Economic and Social Research Institute, ESRI, report points to 15% of children being at risk of poverty and 20% being at risk of deprivation and these figures relate to a period before the Covid pandemic. This results in severe impacts. Children are the most vulnerable group in our society. What supports can we put in place, considering that we do not know the timelines for the review of the DEIS resource allocation system?

I acknowledge the incredible efforts and work of principals, teaching staff, administrative staff, school secretaries, caretakers, school boards, the students themselves and associations, including parents' associations. As the Minister has noted, this legislation is welcome and it shows that lessons have been learned. It is a tribute to her Department and to her officials. At the heart of the Bill is a focus on the students' experience. That is great to see. The Bill really aims to ensure that students have an opportunity to take their next step on their career path and to progress, whether to further education, to earn and learn through apprenticeships or to follow the traditional model of going to college. It has been a very difficult year and what the Minister has achieved has brought about real joy. The students, principals and teachers to whom I have talked all seem extremely happy. My questions are just general questions. I again commend the Minister on the work that has been done.

**Senator Annie Hoey:** I apologise for sending my crutches clanging when the Minister was speaking. I did not mean to cause disruption. I welcome this Bill. People have been waiting very anxiously to see what was going to happen and how the leaving certificate was going to pan out this year. It is good to see proposed legislation in this regard. As we always say in this House, we would love to have more than two days to get amendments in for Committee Stage but I very much welcome the opportunity to go through the Bill with the Minister today. Some of the points the Minister has mentioned are extremely welcome, such as the really firm commitment and plan of the Government to commence the examinations on 9 June. I did a live something or other with a group of leaving certificate students last week and they were talking about having a date, knowing what was going to happen and having a sense of clarity and a goal to work towards.

It is very welcome that students studying subjects outside of school settings, either individu-

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ally or as a group, as the Minister said, will be able to get accredited grades for those subjects. That caused a great deal of difficulty for some students last year.

With regard to getting rid of school profiling, I will not say that led to surprising results, because we always knew that such a grading system did affect students. It is welcome that it has been got rid of and that teachers will not be asked to generate class rankings. I do not think I have ever spoken to teachers who were more stressed than those I spoke to last year. It was an extremely difficult experience for them. One of the schools on whose board of management I sit really put an enormous amount of time and effort into being fair. The leaving certificate is tough enough so, on behalf of the teachers, I am glad that particular part is gone.

The Minister has mentioned that she hopes to appoint a second quality assurance contractor shortly. Does she have a timeline for this? Is there a procurement process involved? How is that going to be done? There were some concerns about quality assurance in the system last year. How confident is the Minister that this will not happen again because, as has been alluded to here, it caused an enormous amount of stress for the students affected? The most welcome aspect of the Bill is the opportunity for choice, which students very clearly requested. I commend the Irish Second-Level Students Union, ISSU, on all of its work on behalf of students.

I will outline a few matters, such as the making available of the grounds for appeal.

*4 o'clock*

When will the more detailed procedure for that come out, or will it? I am particularly thinking of students who may want to appeal against the withholding of grades because of actions taken by an outside person, such as a parent, a sibling, a guardian or even a friend. People do things with the best will in the world on behalf of others. I want to know if there is clarity around this, given it can be very tough on students who may be unaware why their grades were withheld or unaware this lobbying had happened, only to then be notified when they go through an appeals process that this was the reason. I wonder if there will be clarity around that, although there may be nothing that can be done about it.

I welcome that there is a consequence for that behaviour, and I am thinking particularly of teachers. Teachers are some of the most easily identifiable and well-known members of our community, and they are generally on the receiving end of a lot of attention from students and parents, even outside school hours. Therefore, I am glad the Bill recognises the need to shield them from additional work. I would say that dealing with parents lobbying, or a teacher being caught while shopping in Lidl, is work, so I am glad that is being provided for in this Bill and that they will be shielded from that.

Will this system facilitate students who are applying through systems abroad? For example, the Minister might provide confirmation that the timelines will work out for students applying through UCAS. We got communications last summer about students who were trying to apply abroad but, obviously, we were in the early stages of the pandemic so things were a bit chaotic. I would like to get confirmation that they will be able to use this system to apply abroad.

I want to reflect on some of the wider implications of the Bill. As with many aspects of our lives, Covid has moved the goalposts in ways many of us never thought possible. I appreciate this Bill is only for the leaving certificate year of 2021 and I genuinely, from the bottom of my heart, hope it is only for leaving certificate 2021. I do not know if any of us could go through

another leaving certificate round or another year of this, so I hope it is only for this year. Does the Minister think there are learnings that could be had from this and if, going forward, a process of assessed grades instead of an intensive exam season for students is something we need to consider keeping post-Covid? We have started a conversation around leaving certificate reform and junior certificate reform. There are learnings that can be taken from this around assessed grades, although not continual assessment, and there should be a clear definition between those two. It is certainly something we need to explore a bit further.

I am very heartened by the introduction of student choice in this process. It has been standard practice to examine school-goers in some form of leaving or junior certificate, or intermediate certificate, as some will remember it, and this is seen as the best means of assessment by teachers, secondary education committees and Ministers for Education. However, I do not know that I can recall a time in recent Irish history when we asked students how they felt they should be examined, other than the limited amount of choice they get in terms of what subjects they do, and that choice can very often be influenced by teachers, parents or siblings. I do not know if, in recent times, we have meaningfully consulted with students about how they think they should or could learn best and be assessed. The introduction of choice with regard to assessment for this year's leaving certificate was brought about by accident. However, it is my hope that, going forward, we could retain this as an option for students who prefer this method of assessment, or find ways to empower students to have more of an active say in their education. Many students are 18 or 17, and some are even 16, when making decisions regarding college and other decisions that will impact their whole life. However, up to this point, they have only been very small stakeholders in their education. We have an opportunity to give students a bigger role in their education and, in doing so, make participation in it more urgent and important to them.

We have referenced the Citizens' Assembly on education and I am looking forward to that, if and when it happens. Despite the conversation around the form of leaving certificate and the whole education system, we may only find a path forward if we get whole-of-society buy-in. Sometimes, the citizens' assemblies have been ahead of the curve, so I very much look forward to that happening and to working with the Minister to develop a system that meets the needs of contemporary Ireland in its reflection of learning styles and learning needs. I hope that some of the learnings from Covid-19 and this process are taken forward into the leaving certificate.

I again commend parents, teachers, school communities, the Minister and other leaders and particularly students for getting through the past 15 months. I certainly want to wish the very best to this year's leaving certificate students. I look forward to working constructively with the Minister on this Bill.

**Senator Pauline O'Reilly:** It is very good to see the Minister in the Seanad for the second time in one day. We are very honoured. I thank her for addressing my question on multidenominational schools on Commencement matters earlier. It was very much appreciated.

With regard to this Bill, the Minister has been very open with us. Those of us present who are members of the education committee — there are several — are aware that briefings have been coming and that the Minister has engaged very well with us.

A year ago, or maybe a little over a year, there was a conversation on an education system that excluded the voice of students themselves. Teachers have done a huge amount of work and have moved mountains to ensure we could continue educating throughout the pandemic.

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Teachers' unions are important but so too is the voice of the service user, the student. Young people, through the system set up by themselves and the Minister, have advocated for themselves. I have always been a fan of the hybrid model for the students of 2021. I seriously could not be happier with the result, which has seen the vindication of those students who have advocated. It has also highlighted the Minister's ability to put them at the heart of decision-making. I am aware of her desire to have a leaving certificate examination that is as close as possible to that of previous years. That kind of examination is retained with this Bill. That 87% of students have opted for the dual model shows the Minister was right about this in many ways. There were those who advocated purely for an accredited grades system. I can understand where they were coming from but that system would disadvantage those who are disadvantaged most in some ways. However, it also creates opportunities for many. Having both approaches is a success. This Bill represents a fair balancing act. It protects students, offering them choice. It protects teachers, with penalties for improper communication with them by parents, and it also protects the leaving certificate examination so long as it is in place.

I have very strong views on the education system, which I will get to. We can sometimes forget things when we move on. There have been successes but the process has been fraught over the past year. The Minister has shown calm and tenacious commitment to ensuring the needs of young people were placed front and centre in the past year. Young people comprise the cohort most deeply impacted by the pandemic. At a time when they should be moving out into the world and learning how to communicate and to be valuable members of society beyond their families, their social education has been stymied by a pandemic. A social life is an education.

The advisory committee met as recently as last week and young people I have been in contact with, through the Irish Second-Level Students Union, have several questions, which I will now ask. I would appreciate it if the Minister could get back to me either today or sometime soon in respect of them. Where is the Department in terms of progress on a system for 2022? Teachers, parents and students would like some sense of the timescale for making progress on the plans. Second, is there a date in mind for the results for 2021? Will the appeals process be different this year? If so, how?

As a parent who has home-educated for quite a long time and who has advocated for a long time for students outside the school system, I believe there are many lessons to be learned from the past year on how homeschooled young people are respected and accommodated in our State. Homeschooling is a constitutional right. For too long, students, whether because of ill health, trauma, bullying or choice, have been disadvantaged in an education system that did not allow them to be accredited outside the school system. I really hope the experience over the past year will help to address this as we move into the future. For this year, is Deputy Foley, as Minister, satisfied that the definition of "tutor" and the accommodations made in section 8 of the Bill will cater for the accreditation of homeschooled young people, taking into account the most recent case in this regard?

This year is affording opportunities that did not exist last year and that potentially will not exist next year. Unlike last year, this year we have complementary and invaluable data sets, including the accredited grades set and the examination results set. Both will be tabulated and the student granted the best grades. In this instance we have a golden opportunity to test the accredited grades system as to its performance relative to traditional examinations. Since 87% of students plan to avail of both systems, this represents a fantastic resource if broken down by student. It could be assessed to help us in further work reforming the senior cycle. We are

undertaking that work at the Joint Committee on Education, Further and Higher Education, Research, Innovation and Science and in designing systems of continuous assessment and for evaluation of examinations. Does the Minister intend to undertake this work? I believe it would be highly valuable to all of us. As the Minister knows, a citizens' assembly to address this was something for which those of us in the Green Party pushed. I am passionate about this issue, given my experiences outside the education system and from lecturing in this area and in pedagogy. I believe we have a golden opportunity to push forward with the proposed citizens' assembly in the programme for Government and to examine the mental health of young people. Are we really offering them the opportunity to be their best selves once they follow on beyond the education system? We also should look at what is good in this country's education system and should build on it.

One of the main legacies from the past year is one created by students themselves, which is that their voices have come to the fore like no time in the past. Those voices will be retained now and we will always have them to the fore. They cannot or should not be silenced. They should be right in the centre of a citizens' assembly from the youngest age to the oldest age. We need to look at the future of work and at what makes us all valuable members of society. We need to look at our well-being and how well-rounded we are as a society. We need to look at how our education system is feeding into that in terms of eliminating disadvantage and inequality and in affording us opportunities in future.

**Senator Fintan Warfield:** I commend the young people, especially those in the Irish Second-Level Students Union, which has been to the fore in ensuring that students had the choice to sit the leaving certificate examination or opt for accredited grading or both. The level of confident advocacy we have seen is heartening and bodes well for campaigns in the future. The ISSU has been central to the campaign to lower the voting age to 16 years. I believe the Minister could be an important part of that campaign.

Students taking the leaving certificate examination in 2021 have had a horrid time during the past two years. We support anything that makes their final assessment fair and reduces the stress and strain many of them face. Some aspects of the Bill need to be tightened up, however, because any lack of detail will result in unnecessary anxiety. We welcome the publication of legislation that protects teachers from unwelcome or unwarranted pressure regarding assessment. Teachers live in our communities. They should be free to train football teams, go to the shops or spend time with their children and so on.

We want any penalties associated with any offences in the Bill to be proportionate. A parent who has a word in the ear of a teacher about accredited grades is more likely to do so without telling the child or student. It would be very unfair to punish a student for the actions of the parents carried out without his or her knowledge. The Department must develop more detailed guidelines for teachers, students and parents.

We have placed two specific amendments for discussion on Committee Stage. They seek to differentiate cases where both the parent and student are aware of an approach to a teacher and those cases where the parent is acting alone. We do not want a student who suspects the parent might be capable of making such an approach to a teacher to spend months worried sick about the possible consequences for his or her future.

We are disappointed with the lack of detail around the standardisation processes that will be used this year. Section 2 is not detailed enough to reassure students that the mistakes made last

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year will not be repeated. My colleague in the Dáil, Deputy Ó Laoghaire, asked that more detail on standardisation be released well in advance of the publication of results. Could the Minister indicate if it is still intended to do this and whether a date has been set?

The Bill refers to the use of previous junior certificate data during standardisation. We seek clarity on that. Will it be the collective junior certificate data of the year group and not any individual's previous performance at junior certificate level that will be used in determining the accredited grades?

I mentioned the campaign to lower the voting age to 16. I cannot let the opportunity pass without saying a bit more about that matter. Many students make decisions at 16 or 17 that will impact on the rest of their lives. I and many others present believe they should be allowed to vote. Young people are going to the polls in Wales and Scotland. There are two Bills relating to this matter before the House and there is a constitutional amendment Bill before the Dáil. We should make the move as soon as possible to ensure that young people can vote at least in local and European elections as a first step in order to prove that we can win the referendum and reduce the voting age for all elections to 16.

While we are discussing the leaving certificate, I want to raise the commitment in the programme for Government to develop inclusive and age-appropriate relationship and sexuality and social, personal and health education curricula across primary and post-primary levels, including an inclusive programme on LGBTI+ relationships and making appropriate legislative changes if necessary. Does the Minister agree that it is now time to make appropriate legislative change, particularly as the door has been left open to do that in the programme for Government, in order to ensure that all children get inclusive sex education?

**Senator Lynn Ruane:** I thank the Minister for being present and for bringing the Bill through the House. It is strange the level of emotion that the leaving certificate evokes in me. I will try to control the anger and rage. One might think it is just an exam or it is a way for us to progress people through the education system, but it is really a huge bugbear for me in terms of how we measure the capabilities and abilities of children, how they are, who they are in the world and in life. Every year, politicians, celebrities and others tweet about how the leaving certificate does not define a person. Jaysus, if it does not define us why are we still forcing kids through the leaving certificate every year, putting so much emphasis on it and making it such a narrow requirement to be able to get into third level education? When they go to sit their exams, they are told it does not really matter. It feels very strange. The high percentage of people who apparently want to both sit the leaving certificate and get the predictive grades makes me wonder if it is a case of Stockholm syndrome. We have obviously drilled preparation for the leaving certificate into the heads of teenagers since they entered first year, so they do not really know what else to do or what else they could even imagine that education could look like.

When I read Pádraic Pearse's "The Murder Machine", it was the first time anything ever explained my feelings about the education system so accurately. How we bring people in is like a conveyor belt and then we just spit them back out. Probably the best thing that ever happened to me was not sitting the leaving certificate.

I am aware of the opportunity the Minister has. Many people were not envious of the difficult position she found herself in when having to deal with such an important aspect of people's lives as the leaving certificate and education, but a part of me thought about the fact that we had been speaking about reform of the leaving certificate for years. I do not think any Minister for

Education knew how to start, where to start, how to begin to dismantle it or what else it could look like. Sometimes it takes the bottom to fall out of something for us to be able to be imaginative and creative about how we address it. In some respects, the Minister has a brilliant opportunity - within harsh circumstances - to reimagine what education could look like and what way we assess people. The Minister could do that on the basis of having to start from nothing in the past year or two. The education system and the leaving certificate are so rigid in terms of imagination, critical thinking, creativity and what type of young people we produce and send to university. I left school very young. I excelled in university. My daughter, Jordanne, is in her third year of studying film and English at Trinity College Dublin. She is excelling. Did she get the points she would have needed to do that course? No, she was able to go through the Access programme, which can only take a small sample of people. That is not enough. The Access programmes are a way in for kids who do not excel in the leaving certificate. The leaving certificate is in no way a reflection of my or Jordanne's capability. It is an absolute shame that so many kids do not get the opportunity to show what they are capable of at third level because they have been measured by the leaving certificate. People think we lose out from not being able to sit the leaving certificate, but society loses out by not being able to have us as part of universities and the sectors that require a particular degree. It is not necessarily only us that lose out.

The leaving certificate is a ruthless tool that reinforces inequality. I would love to know which parents lobby teachers. I cannot imagine that any of the parents in my area know how to advocate for themselves or are able to lobby teachers. I wonder about the backgrounds of those who are lobbying teachers. They are probably used to lobbying and having their own way.

When Senator Mullen spoke about the possibility of people gaming the system, I wondered how much anyone knows about how the system is already gamed given how much money we pump into private schools and grinds. My daughter sat her leaving certificate during my first year as a Senator, which meant I had access to a wage I never had previously. I spent thousands of euro desperately trying to get her up to the level she might need in Irish and maths, the subjects that might stop her getting into university. She would not need either subject for the degree she was going to study.

We drove from Dublin 24 to Alexandra College in Dublin 6 to avail of grinds. None of her classmates could ever afford to do this. In her final year in school, I could at least do that because I was a Member of this House. She came out of her mock exams very upset because, as she told me, her class had not even started the curriculum the kids in Alexander College were studying. They literally had not started it. Kids in the Easter and summer schools she attended were six or seven months ahead of her on the curriculum. When the kids in schools in our communities were sitting their leaving certificate some of them may have only started parts of the curriculum in the weeks leading up to the exams, giving them no time to absorb it. The kids at the grind school in Dublin 6 were saying they had been doing the curriculum since the end of fifth year and start of sixth year. There is a stark difference in the investment in children by the time they do the leaving certificate. Many people believe the leaving certificate is the most equal exam anybody could sit. It is only equal with regard to what is written on the paper. The investment in different children and schools and the resources available to those who come from a professional background make it the most unequal exam that anybody could sit.

Fianna Fáil rightly basks in the historical glory of Donogh O'Malley's decision to introduce free education for children. That was a massive change but free does not always mean fair. The Minister has an amazing opportunity to build on Fianna Fáil's historical role in delivering free

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second level education and to make education as fair as possible. When free education was introduced, the most important issue was to get kids to do the leaving certificate because many were leaving school at the age of 12 or 13 years to help out at home or get jobs. The goalposts have moved and we now need to change from free education at the point of access by asking how we make education fair at every possible point along the way. I ask the Minister to build on the free education system to make it the fairest possible route for everybody so that we produce children who are 21st century learners and 21st century students. Let us move away from the 19th century education system.

I will table an amendment next week aimed at keeping the choice that exists in this Bill going forward. While most people do not envy the Minister's position, I swear to God, I envy it because I would love to be in the position to try to rebuild a system that I know has failed so many young people.

**Senator Malcolm Byrne:** I thank the Minister for coming to the House today. I agree with what Senator Ruane has said. We should be ambitious in these Houses, in this country and in the Department of Education. We should make this the best little country in the world in which to be a young person and a student and to provide those opportunities. From the Minister's own experience as a teacher and as a Minister, she can achieve that ambition.

Speaking to Senator Ruane's point I have no doubt that if one looks at the Minister's record to date, that she can become a Donogh O'Malley or a Patrick Hillery and I believe she has that ambition. In this House there is a real passion for education on a cross-party basis and we will support her in that.

A number of colleagues have mentioned how the Minister has been so committed to the process of consultation. I praise all of the stakeholders in education who have been involved. I praise in particular those in the Irish Second-Level Students Union, including Reuban Murray, Alicia O'Sullivan, Luke Casserly and all of those nationwide who got involved and engaged constructively with Deputies and Senators.

During my own political involvement as a student, I lobbied in order that the Education Act would include statutory recognition of student councils. Now is the time to also look at how we can strengthen that. Student councils vary from school to school in how effectively they perform. In reviewing of the Education Act, I ask the Minister that we look at ways of strengthening that.

Along with colleagues, having seen the level of maturity that has been shown, I ask the Minister to support the principle of allowing 16 and 17-year-olds to vote, at least at the local and European elections in 2024. I ask the Minister that she might indicate her views on that.

Referring specifically to the legislation, the crucial question we need to tease out is on section 2 and the process of standardisation. I am glad that school profiles are excluded and I am aware that the Minister was firm on that point. We must stick with that position. We will need to examine in more detail the audit of the standardisation process, which I welcome. The use of any algorithm needs to be explained clearly and must be understood by the wider education community. As part of this process, which is not just about the legislation and the audit of the algorithm, we need to explain how the standardisation process operates.

I am aware that others have already spoken about the homeschooling situation. I refer to students who have been enrolled in schools over the past two years but who, for particular

Covid-19-related reasons, have been absent from school. Either they themselves are vulnerable or a member of their family is vulnerable but it means they have not had much class contact time in school itself, which raises the issue of how they will be assessed by their teachers. Some assurance on that point is needed.

Some lessons have been learned from the past year. We saw grade inflation last year where the average leaving certificate results increased by approximately 4.4%. That caused a difficulty for the students of the leaving certificate class of 2019. There still needs to be some answers for those in that 2019 class and I would be concerned were we to see grade inflation again this year. We need to get some explanation in this regard in the standardisation process.

Others have referred to those who are in fifth year and who have missed much of their time in school. They have not been able to sit a junior certificate examination and the question of what supports will be put in place there has been raised. I welcome the provision of additional higher and further education places.

On the question of reform, the leaving certificate model has existed in the same essential way since 1925 with minimal changes since then by way of assessment. Reform is important. I held a webinar that involved the then national secretary of the ISSU, Matthew Colgan, who suggested that as part of curriculum reform, we should look at issues around taxation because it is something that is never discovered until one starts working part-time. That debate is crucial and it should involve as many people as possible. It should be a national conversation about what we learn and assess.

Finally, I appreciate that this Bill concerns an examination and an accredited grades process. The choice has been really good and the Minister is responding to young people. However, young people have lost out on so much over this period. We need a new deal. Consider those who are facing the leaving certificate this year. They have lost out on their leaving certificate year and are losing out on all the end-of-year celebrations. It was the same for students last year. They lost out on their first year in college, the debs, graduation and the chance to go to a nightclub. I am sure the Minister thinks of her students who did not get to go to nightclubs in Tralee. We must have a new deal for young people. There must be leaving certificate reform. I am confident the Minister will deliver on that.

**Senator Garret Ahearn:** I welcome the Minister and thank her for the excellent work she and her Department have done throughout the year, especially in the past number of months. No matter who one talks to in any sector of society, people seek clarity. The fact that students this year have got that clarity - and that they got it quite early - is greatly appreciated. When I have spoken to any student or teacher in the last few months the one thing they have pointed out is that, compared to last year, they now have clarity going into the leaving certificate. It is greatly welcomed.

This year is incredibly difficult for students. This time last year, we thought that the students of 2020 would be under great pressure, like no other year before or after. Little did we know that the students of 2021 would have an even more difficult experience and lose so much time over the two-year leaving certificate cycle. However, it must be said that they are a resilient group. The fact that 80% of the students have decided they want to sit the leaving certificate examination shows their resilience and commitment to education. The clarity the Minister provided at the start helped students in the context of the decision they had to make.

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I welcome the fact that there is no ranking system in place this year. It was unnecessary; it was not necessary for students to know where they ranked in their class. It was very unfair on teachers to have to do that. It is important as well to welcome the fact that there can be no canvassing this year. I listened to previous speakers refer to different groups that might have canvassed. It is very dangerous to speak in those terms when we have no facts about who canvasses and who does not. To throw out comments about which sectors of society might canvass in the absence of facts is very dangerous. There are different types of canvassing. There is a short word and there is also the teacher feeling intimidated, so we must be careful on that front. It is welcome that it cannot be done now. I am aware that Members who spoke on it said that the punishment should not be to the student, but if people, and certainly parents, are aware that it is the student who suffers as a result of that, it will discourage most reasonable parents from getting into that way of thinking.

I have two questions about the running of the leaving certificate examination which the Minister might be able to answer. Most schools are closing on 28 May, and the leaving certificate examination starts on 9 June. If one is unlucky enough to contract Covid-19, one must self-isolate for 14 days. Would it make sense, perhaps, to let sixth-year leaving certificate students finish a couple of days earlier than 28 May so there is no possibility that they might get Covid-19 in an environment with a large number of people? Perhaps schools could close on 24 or 25 May. That would give rise to a 14-day grace period whereby students cannot contract Covid-19 in school settings and then miss the examinations as a result. It is only a few days but it has huge implications in terms of missing one or two examinations. Given that 80% of students want to sit their examinations, we should do everything we can to ensure they do not miss out on one or two of their examinations at the early stages through no fault of their own because they might be in a classroom and be a close contact. Perhaps the Minister would consider that.

If a student has Covid-19 or ends up being a close contact of somebody who has Covid-19 during the examinations, what are the options for that student? There seems to be some confusion among teachers and students and even in the media as to whether there might be a possibility of having a second sitting of the examinations or they might have to revert to the calculated grades. Students want to sit the exams and get the grade they deserve. If, halfway through doing their leaving cert exams, they are a close contact or have Covid-19, do they revert to the calculated grades or will there be an option to sit?

I wish all students and teachers well, particularly in Tipperary, and commend them for the work they have done throughout the year. I thank the Minister for the work she has done this year. It is much appreciated.

**Senator Gerry Horkan:** Other than Order of Business, this is my first opportunity since being re-elected to speak, so I am delighted to speak on education and that the Minister of Education is here to listen. I do not want to repeat many valid points made by other contributors. There is very little, if anything, I disagree with from any of the contributors.

It is important we acknowledge how far we have come. I am in my 18th year on school boards of management and my 12th year as a chair of a board of management. A huge amount of work has been done. This time last year, this Minister was not in the Cabinet. This Government had not been formed. She inherited what was there before and has taken it and had to deal with the system of the leaving cert calculated grades, as it was called at the time. It has worked out much better than people thought it would, though there were certainly anomalies and little blips along the way. Credit has to be given to the Department of Education, particularly to the

Minister and her team, and to everyone in the education sector, including the school community, teachers, principals, patrons, boards and particularly students and parents. They have had so much uncertainty and have not been sure what would happen and how they would do it.

I regard the system we have inherited now of accredited grades as being like an insurance policy. That is the baseline one can have, but it is reassuring to see all these people coming in saying they want to do the leaving cert. They want to sit an exam, show off how much they have learned and be assessed independently, as was done before. The easy option would be not to sit the exam and take whatever is given. However, 80%-plus of people are signing up to do the exams and show off all they have learned in difficult circumstances. It is only recently that schools came back fully. Learning remotely is difficult in any household. Learning remotely in a house that might have one digital device for three or four students trying to study and look at classes on a shared phone, and which might not have great broadband, is very difficult.

We must be cognisant of all that and of people's mental health. People are returning and there is anecdotal, if not more, evidence that, after people were cooped up in their houses for so long, there is a level of aggression and tension in secondary and perhaps even in primary schools because people have not forgotten how to socialise but have lost the skillset involved in mixing with people all the time.

I support the idea that historical data should not be used to disadvantage anybody but there was an example in my area in St. Kilian's German school, the Deutsche schule in Clonskeagh. They felt that typically more than half their year would get an A in German. Many are native speakers; many are German. The algorithms seemed to be saying it was not possible, that half of the class could not have an A and that the top 20% could get an A but no more than that. I do not say a disadvantaged school should have the historical record used against its pupils, but there may be a need to look at the system. If a school has a brilliant Latin teacher, only seven or eight do Latin and, typically, four or five of them have always got an A, the system should not say that only two out of eight can get an A because that is the max the system allows. There was an element of that in the system last year. The system should be able to go back and look and say a certain school always did well in accountancy, chemistry, physics or whatever subject it happens to be and maybe that explains why the school outperforms the national average in a significant way. This issue caused a great deal of frustration among people. They felt that because they happened to be in a class of many high achievers and there were a few who are even better than them, they were effectively downgraded whereas if they had been in a different school and cohort of people, they would probably have got an A. I am not sure whether this issue has been addressed totally, but I welcome the Bill. I also welcome the commitment of the Department and, in particular, the Minister to allow the accredited grades system. It is effectively an insurance policy that gives people a safety net, yet they still want to take their chance, prove themselves on the day, show how much they know and excel. I thank the Minister for introducing this Bill.

**Senator Mary Seery Kearney:** I thank the Minister for attending.

The champions in the face of adversity are the leaving certificate students of 2020 and 2021. They will go down in our State's history as being the group that faced adversity and the most unprecedented circumstances.

I welcome the dual assessment and that the Bill will place it on a statutory footing. We must prepare for every eventuality and the Bill certainly does that. Although 80% of students are

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opting for the traditional exam, having the second option as a back door, support or safety net is important and wise and they deserve it. What Covid disruption planning have we in place? In November, a number of students were ready to go in on a Saturday morning for their exams but, on Friday night, a family member was classified as a close contact of an infected person, meaning the students could not go. We need some sort of contingency. While we are a long way down the road, there is the vaccination roll-out and so on, we must ensure that such devastation does not occur for a student at the height of the exams.

I wonder about the legacy of 2020. I see in the Bill that it has been learned from. Without question, many decisions were made while we were in the grip of the pandemic. The Minister's predecessor, Deputy McHugh, did a valiant job when everything was being experienced for the first time. We not only have a bit more space and time now, but also our learning from last year to build upon.

The algorithm error certainly benefited a particular cohort of students who got opportunities and into courses on the back of the erroneous grades. I would be interested in an analysis of how they performed in their first year, bearing in mind the context, which has been horrendous for first year students in third level. If there has not been attrition, it reinforces the use of ongoing assessment and supports being in place for the people who benefited from calculated grades. Quality assurance is built into the Bill, which I appreciate. That was a good decision on the Minister's part. It is important that we see its benefit.

In my home constituency of Dublin South-Central, we had a tale of two leaving certificates last year. We had schools that historically did not have large numbers going to third level but got many more into third level or, indeed, got students into third level for the first time. That was fantastic and supported the idea of having ongoing assessment as a means of assessment and providing equal opportunities. We also had people who made sacrifices and put their children through grind schools or into private schools. Maybe only one of their children had an aspiration to do medicine and went to a fee-paying school to work the system as it had been presented to them for their entire lives. They found themselves disadvantaged just as the German school was. That was disappointing. I would like to see a red circling of them because they have been thrown back into the lottery that will be the CAO results system next August. It is important that we do or consider doing something for them. I appreciate that this may be more a matter for the Minister, Deputy Harris. I wish to return to some of the points made by Senator Ruane. I have a problem with aspiration. When a student who comes from a particular community attends a particular school, the narrative for the rest of that student's life is that if he or she gets to Trinity College University he or she will, probably, do so through the access programme, which is a fantastic programme. I have worked with numerous young people in that regard. My problem is that for a student from a different community who attends a different school, the assumption is that he or she will go on third level. I want that narrative to change in communities. It should not be the case that based on a lottery in terms of where a person is born and educated, his or her ambition and the assessment of his or her future and what his or her capacity and competence could be, is limited. We have DEIS schools which this year did not have IT supports or home systems, which mean that students had to share phones and so on. We need to assess that situation and make sure that those schools have those supports and every opportunity, and that the language spoken at those schools is that students can be whatever they want to be and the supports will be put in behind them to make sure they get here.

**Senator Eugene Murphy:** I may not need all of my time, as most Senators are making the same points and asking the same questions. I pay tribute to the Minister and her officials

for the manner in which they handled the process leading up to this year's leaving certificate. The Minister has given hope to students and parents. One of my children will sit the leaving certificate this year. That the Minister has managed to remain calm in all of this is wonderful. The Minister will never know what that meant to students. Students engaged with the Minister and her officials and they listened to them. It is important that happened. I note that the Minister has on numerous occasions acknowledged the students' unions and the many good points they brought forward. We were in uncharted waters. We were in new territory. Education is a huge challenge. Dealing with the future livelihood of thousands of our young people was, I am sure the Minister will agree, a serious burden on her shoulders but all times she remained calm and cool and, along with her officials, she worked on this and when she got it right she brought forward her decision and it has meant an awful lot to students.

I know from talking to my son and some of his friends that there is a great deal of anxiety among students, but they say it is not a mental health issue, that it is just that some of them are anxious about things. This is caused by a lack of contact with people and no access to sports and their friends. Those who did not like going to school realised after a number of weeks that school was not the bad place they thought it was. Some people just do not like schoolwork or school. In that regard, if there are students who need support in that way now, it would be important that the system recognises that and puts in place additional supports for them.

A number of questions have been already asked and I do not propose to repeat what others have said. The question I would like answered is where do we stand with the review of the leaving certificate? I am aware that this is an issue in which the Minister has taken a keen interest so I would appreciate it if she could update the House in that regard. I know nobody wants to talk about this time next year and the possibility that we might still be dealing with Covid-19, but if we are, will we have a plan? I note that the Minister acknowledged in her opening statement that next year's leaving certificate students have been partly affected as well and that account has been taken of that. It is extremely important that we know where we are going and that if we have to live with Covid and restrictions and so on, we are well prepared for it. I have no doubt the Minister has taken that into account but I would welcome an update from her in that regard.

It is important to mention the many heroes in relation to this matter. Without doubt, our students have been heroes. We should be really proud of students across the country. In general, they have been fantastic. At this stage, they have lost almost a year and half of their youth. Can anyone imagine if that had happened to us in our youth? How would we face into the lack of contact, games and school? All of this was just taken away from them in one fell swoop. They have been remarkable and adults should acknowledge that. I think we do.

We must also acknowledge principals. I spoke with the principal of a local secondary school recently. Principals have done tremendous work. From speaking to those principals, I can say that everyone of them are so concerned to do their very best for every student and get them through this, particularly this year. Again, school committees and parents will play their part as well. Those young people gave us the chance to deal with it. The Minister came out with a very good package. The choice was so important. Students have recognised that we do listen to and care about them and will do our best for them. They will recognise that and pay society back in their own way. I again thank the Minister and call on her and her officials to keep up the good work. I look forward to engaging with her over the coming months and will bring forward any ideas I have.

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**Senator Martin Conway:** I also welcome the Minister to the House and commend her on her work because it is certainly not easy. She is dealing with unions and officials and is trying to do the right thing. Sometimes people do not agree with you when you are trying to do the right thing but you just have to stick to your guns and hope it works out on the day. It is a big challenge.

This group of leaving certificate students have been much more impacted by Covid than last year's group. There is no doubt that last year's students were impacted but the cohort of students this year have been even more impacted because they have gone through fifth year and the leaving certificate cycle essentially under the cloud of Covid. We are doing the right thing by giving students the option of having a leaving certificate. I wish the young people who are preparing for the leaving certificate who are anxious, as we all were when we were doing the leaving certificate, well. We did not do the leaving certificate under these circumstances. For those 60,000 students or whatever number of students are doing the leaving certificate, we must bear in mind the anxiety and challenges they face and wish them well in the final days of their preparation for what is the most important examination in their lives.

I believe we need to look at an overall root-and-branch reform of the leaving certificate. It is a very fair examination because it is very equitable. The points system and the CAO are very fair and equitable. The problem is that society and life have changed. I welcome much of the work done by the Minister for Further and Higher Education, Research, Innovation and Science on apprenticeships. We need a more holistic approach to the final examination at second level and this approach needs a good bit of consideration and thought. When the pandemic comes to a conclusion, there is a logic to the Department of Education reviewing the leaving certificate to see if there is potential for a continuous assessment approach akin to what is done in other countries because anything can go wrong for a family or a young person when it comes to doing the leaving certificate and he or she may not perform at his or her best during that particular period. If there was a properly constituted and managed continuous assessment approach, that would be worth looking at.

A lot has been achieved with regard to young people with disabilities doing the leaving certificate. There are many special needs assistants and resource teachers to support young people along with visiting teachers for the visually impaired who do good work. I recall when I was in school that I attended integrated education in County Clare. I had a visit once a year from a visiting teacher for the visually impaired. I know things have improved since then. Technology has improved and the Department is not behind the curve in supporting students going to integrated education who have disabilities such as the one I have. That is welcome, appropriate and right.

On the health challenges, I do not know if the Minister and her officials have considered introducing antigen testing for leaving certificate students. Our concern is that as many students as possible should be facilitated in sitting the leaving certificate. I believe that there is logic in introducing antigen testing for the cohort of students who are doing the leaving certificate. I know it is not the same as PCR testing and that there is divided opinion on its effectiveness, but it would be another tool that could be used to help to ensure that as many as students as possible actually sit the leaving certificate examinations. Have the Minister or her Department considered introducing antigen testing? If they have not, would they consider doing so? It is being used extensively in the private sector and it seems to be achieving results, so why not use it to facilitate as many as possible to do the leaving certificate examinations? I wish the Minister well with her challenging portfolio.

**Senator Mary Fitzpatrick:** I thank the Minister for joining us. I also thank her for the tremendous work she has done as Minister since taking office. She has brought new energy, creativity, resilience and professionalism to the role and to her Department. It has certainly been noticed by the schools and the education community in the Dublin Central constituency in which I live and across the country. I commend the Minister for that and thank her for making time to come to the Seanad today. We appreciate that the Minister's time is precious.

No other leaving certificate class in modern times has faced a greater challenge than that of 2021 in view of the fact that students have missed so much classroom learning, etc. It has been challenging for them from a formal education perspective and also from the point of view of informal education and the social development that comes with that, not just for the students but also for their parents, teachers and the whole school community. Those students felt very alone. They had tremendous pressure on them. The leaving certificate has importance for us all in different ways. It is a rite of passage. It allows people to move on and to progress as young adults and take up further education or training opportunities or choose other path they choose to take.

Historically, leaving certificate students have had very little opportunity to voice their concerns. The leaving certificate substantially determines their futures. When all of this uncertainty was engulfing them, their families and school communities, the Minister recognised that. Students themselves advocated and made their voices heard. They made reasonable requests. They wanted choice, certainty and fairness. The Minister heard and listened to what they had to say and recognised, respected and valued them. She brought them in to the process. That was a real achievement which, I think, all leaving certificate students of 2021 recognise and greatly appreciate.

That said, written exams start on 9 June, which is just over a month from now. The clock is ticking. I wish all the students well. I wish everybody involved in the State examinations well. We all hope that all of the investment that has been made in our educational infrastructure and all the investment of time, energy and expertise that has gone in to preparing our students and the exams will work out for everyone. The fact that the students have both certainty and choice is key. They value both immensely. As we move forward, I know the Minister will take the lessons from last year and this year into next year. The students who have endured what happened in the past year or so want to know that others will benefit from their experience. I think they will. It is down to the Minister and everybody involved, including teachers, unions, school communities and school management.

*5 o'clock*

It is good to acknowledge the positives from all these challenges and take hope from them for the future.

I will finish with two questions and it is important that the Minister clarify these matters on the record of the House. Some 87% of students opted for the examination, which is important. It is crucial that the legislation protects the exam, the teachers and students. Students have two burning questions. Assuming they get all of this behind them, when will they get the results? My understanding of the final determination of results, which I believe the Minister will confirm, is that the higher grade will be counted. Of which grade will it be the higher? Some students seem to have questions about this. Who will make the determination? Will it be the accredited grade or the written examination grade? How will that determination be made and by whom? When will the results be made public?

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**Senator Maria Byrne:** I welcome the Minister to the Chamber. I am delighted she is here. I also welcome the Bill and her personal interest in education.

Having been removed from politics for the past year but having still heard from people who had issues with the leaving certificate last year, I am delighted that a review is being carried out and the Minister is bringing forward legislation to put everything in place for the benefit of students. I pay tribute to teachers and students, not only last year's students but also those who are facing into the leaving certificate this year under very difficult circumstances.

Most of the issues I wanted to raise have been mentioned. Reference was made to grade inflation but a number of schools felt there was also grade deflation. I know some students believed that was the case when they looked at the assessments they had done for several years while going through the system. They were getting A or B grades but were knocked back maybe five or ten points. Some students were highly aggrieved by this and felt they had nowhere to go to appeal the decision. Perhaps the Minister could take that into account. I pay tribute to the Minister for putting everything together under very difficult circumstances last year but this matter needs to be examined. Students deserve to be able to appeal and have their voices heard.

This is an opportune time to review the leaving certificate. I spoke to a student with quite bad dyslexia, who is very intelligent in many ways but finds it difficult to do written exams and finds them an ordeal. The student is delighted to be able to opt for predicted grades in some subjects and the written exam in others because this person finds some subjects a little easier than others. This is an opportune time to examine that going forward. It is time to prioritise reform. I acknowledge the Minister's personal interest in that regard.

It would be nice to have the opinions of the students. I know the Minister has done some work on that and has spoken to the teaching unions. Perhaps this issue could be looked at. Many schools now have student councils through which they could survey students on their views. It is important that their voices be heard.

I welcome the Bill. Once it has been enhanced, I would like it to become the permanent template for moving forward.

**Senator Micheál Carrigy:** The Minister is very welcome. I acknowledge the work she has done in the Department. It has been a difficult year and she has been a steady pair of hands. Well done to her. I also acknowledge the difficult years students throughout the school system experienced in 2020 and 2021, especially those for whom the leaving certificate has been their primary focus for most of their lives. It is important that this year we were able to offer them a choice of sitting the examination, opting for accredited grades, or both. It is important that we learned from the mistakes we made last year. Offering a choice was the correct decision.

The Bill provides statutory indemnity for all teachers providing marks as part of the process and sanctions for those canvassing for increased marks or providing false information. Importantly, it will regularise the results for those who chose to take the written examinations in November 2020. However, there is a group of students who, unfortunately, suffered. I refer to the students who sat the leaving certificate in 2019 and did not take up a place in college. Many of them lost out on their choices due to the large increase in points. I wish all students sitting exams well. I thank the teachers for their work and support in recent months.

I thank the Minister for meeting me, Deputy Flaherty and the principal of St. Mel's College about infrastructural improvements. We were seeking additional classrooms for the old school

building. It was a very positive meeting and I thank the Minister for facilitating it.

I wish to raise with the Minister a number of projects that are important for September 2021 and I ask her to take note of them. Cnoc Mhuire Secondary School in Granard, which has 450 pupils, made an application for additional accommodation to be provided for September 2021. I urge the Minister to examine this matter as there has been a significant increase in enrolment at the school and it is experiencing difficulties.

Will the Minister also consider meeting me, Deputy Flaherty and the principal of Meán Scoil Mhuire in Longford town to discuss the school building, which has reached capacity? There is no play area for more than 500 pupils. Funding was provided for temporary classrooms in an adjoining printing works, but that is not a long-term solution. The pupils, parents and teaching body need certainty for the future. I ask the Minister to consider having a similar meeting to the one we had to progress the project for Meán Scoil Mhuire in Longford. I thank her very much.

**Senator John Cummins:** I, too, welcome the Minister to the House. As a fellow teacher until I was elected to the House last year, I compliment her and her colleague, the Minister of State, Deputy Madigan, on the work they have done in the past 11 months in the Department in what have been the most challenging of times. The decision made on 17 February was most welcome and timely. It gave certainty to students, families, and the wider school community at a time when they were looking for it. I commend the Minister on that.

The hybrid option allowing students to take the accredited grade and-or sit the leaving certificate as normal and choose the best grade in each subject is a very good model in the context of 2021. I know some will call for it to continue beyond this year. The Minister will have to consider that difficult decision and I do not envy her the task. She might agree that allowing students to choose the better grade will more than likely have an inflationary impact on points this year. The Minister for Further and Higher Education, Research, Innovation and Science, Deputy Harris, is working exceptionally hard, in conjunction with the Minister, to try to increase the number of places available on third level courses for the next academic year.

Section 3 deals with statutory indemnity. This is very important, particularly for those who have been providing tuition outside of the school setting. It is appropriate it has been inserted in the Bill. The protections in sections 4 and 5 with regard to canvassing are important for teachers. I do not anticipate them being used much, and I am sure the Minister will agree, but at the same time it is important to put them in place to safeguard the integrity of the entire process.

The removal of the rank order, which caused quite a lot of distress last year, is also very welcome. It demonstrates the Government has learned over the course of the pandemic. We need to implement what we have learned across the board. We need to have a deep dive after the pandemic, and many people have spoken about this in the Chamber, whereby we need to look at what we did right and what we did wrong and put in place measures in the event that we have another pandemic. It is to be hoped, please God and touch wood, we will not.

I would like to speak about the students of 2020 and 2021 and the wider school community that has been impacted drastically by the pandemic. I come from an educational setting and background and I am especially concerned about the impact and the levels of stress and anxiety, which had been rising before the pandemic ever came upon us. We have the growth of social media and outside influences on our young people. I am concerned for their well-being. We are doing a lot of work on reform of the junior certificate cycle with regard to well-being, but after

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the pandemic we need to look at putting in place particular measures and not just talking about understanding and knowing the impact it has on students.

We need tangible actions to be able to look after the students who have missed many milestones over the course of the pandemic. I am thinking about sixth class students who moved into first year and did not get to say goodbye to some friends who went to different secondary schools. People have missed out on debts and graduations. There are many milestones we all took for granted in our lives that are being missed by many students. We need to pause and reflect after the pandemic and put in place measures to address them. I commend the Minister on her work over the past 11 months and wish all of our students, staff and parents well in the coming weeks and months with regard to the leaving certificate.

**Senator Barry Ward:** Ba mhaith liom mo bhuíochas a ghabháil leis an Aire freisin as ucht teacht anseo don tarna uair. Taispeánann sé dúinn an tsuim atá aici san ábhar seo agus an tábhacht atá ceangailte leis an ábhar seo freisin. We all recognise how important this is. Earlier, when I was speaking to a colleague, I asked him what he thought about the leaving certificate and all he said was that he did not want to do it again. We recognise how stressful this has been for the students this year and last year. There may well be legacy issues for students next year also. Perhaps what is most important about the Bill is that it brings certainty to the issue. I welcome the Bill because it brings this certainty. It sets out the map we knew was coming and it gives that certainty to students which we know they need. I welcome this.

It is important to set down some other provisions in the Bill. Colleagues have mentioned the ban on canvassing. When we look at the assessment of grades other than by the examination that all of us went through and with which we are all familiar, it is a new realm and a difficult concept for a society as small as Ireland to come to terms with. I know from friends who were in school or college in the United States that it is *de rigueur* and part of the process there. However, it is a much larger society where there is very clear separation in a much bigger pool between the teacher and the student. Here that relationship is much closer. Teachers are very closely involved with their students. Particularly outside urban areas, teachers are very much involved in society and have much closer links to families and people in the community. It places teachers in a very difficult position. For example, the provisions in the Bill that ban canvassing by parents or students are tremendously important. We all know it should not happen, but it is important to set that out on a clear footing to protect teachers as much as students and parents. I therefore welcome those provisions.

Regarding the hybrid option for this year's leaving certificate, where students get the opportunity to choose the grade that suits them, whether through an examination or an assessed process, I wonder if that is potentially showing us the future of education in Ireland. I ask the Minister to bear in mind the effect this will have on those students who are in fifth year and will do their leaving certificate next year. How we are going to plan for them? Are we going to afford them the same opportunities their colleagues will have in the coming months in respect of the hybrid option? It would be a good thing if that were the case, because we have seen that this system can work.

I echo what was said earlier concerning the Minister having been very much thrown in at the deep end and having had to deal with such immense issues, which would never have occurred were it not for the Covid-19 pandemic and the context of such an enormous sea change in the way we deal with assessing people's abilities as they come to the end of the secondary cycle. I welcome the Bill and its provisions. It is also a mark of the commitment to education by this

Government that we have two Ministers specifically dedicated to this area. I recognise that the Minister's remit deals with the provision of education spanning from when children first go to school right up to the leaving certificate stage. That is very important.

It would be remiss of me if I did not use this opportunity while the Minister is in the Chamber to mention that I have been on the phone all day with parents of children at primary school level. While this issue does not directly relate to this Bill, the Minister will be aware of an issue concerning Gaelscoil Laighean in Deansgrange. It is a new Gaelscoil, and the newest school we have in the Dún Laoghaire area. There is some considerable confusion now about where the future of that school lies. It appears there was an announcement that it would be moving to a site in Dún Laoghaire, notwithstanding the fact that when I was a councillor in Blackrock, just a few years ago, we were directly involved in a public consultation for a school in the Blackrock-Boosterstown area. Now, it seems there is a proposal to move the school to Dún Laoghaire.

The Minister will understand that parents are quite distressed about that, and also that it is very far away from where they envisaged the school. I spoke to several parents today who changed jobs and moved house to facilitate sending their children to school. Just before coming into the Chamber, I spoke to a parent who has one child in Gaelscoil Phádraig in Ballybrack and moved to a house in Cabinteely specifically to allow the child to attend the Blackrock-Boosterstown Gaelscoil, which is closer to where she works. It appears, however, that the proposal now is to move the school to Dún Laoghaire. I am grateful to the Cathaoirleach for allowing me to raise this issue as a Commencement matter on Monday, when I will deal with it further. It is an issue that is very important to the people of that area, and I hope the Minister will take cognisance of the importance of dealing with this matter and giving them some clarity.

Returning to the Bill, I congratulate the Minister. These provisions are important and they will bring clarity and hope to leaving certificate students facing examinations this year.

**Minister for Education (Deputy Norma Foley):** When I opened this debate, I set out the objectives and principles underpinning this Bill. At its simplest, it will be appreciated that the Bill is designed to help our leaving certificate classes of 2021 to complete their schooling and to progress to the next chapter of their lives. This progression and transition is one of the recognised milestones in the lives of so many students for many years now.

From our first days in office last summer, the Government has sought to honour our responsibility to students through prioritising the reopening of schools. In determining to do its absolute best for students, the Government depends on the assistance of the students themselves, wider school communities, including all school staff, and, in bringing this legislation to this House today, it depends now on the assistance of Members. I express my sincere gratitude for that assistance being so forthcoming in such a generous manner.

Once enacted, this Bill will confer new or additional powers on the SEC, the body that has managed and operated State examinations for almost 20 years in a very professional manner. The SEC enjoys the confidence of all the actors in the education system in that regard. Most important, however, through the legislation, the students undertaking their leaving certificate in 2021 will be treated in a very similar fashion to their predecessors. The leaving certificate this year's students will receive will have, as I mentioned, the same look and feel as any other year. This is also true for the class of 2020, whose certificates will issue from the SEC by virtue of this Bill.

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In conferring those additional powers on the SEC, the Bill allows me as Minister to ensure we can bring some normality to the lives of students in these most unusual and even unprecedented times. As a country we are now looking forward to reopening and returning to so much that we have had to pause since spring 2020, and so too can the students of the leaving certificate for 2021 now look forward positively.

I have been before this House on many occasions since my appointment and I know at first hand, with the contributions from Senators on each occasion, the commitment Senators have to leaving certificate students. That level of interest in and commitment to those students has been evident again throughout this long debate this afternoon. I can say we now have a shared objective in absolutely wanting the best for all our students, even if, on occasion, we might differ on how to achieve that. This afternoon a variety of different points have been raised but time will only allow me to refer to some, so I will speak to those that have had a common thread throughout the afternoon.

A point was raised by Senator Mullen about this country standing independently and recognising its ability to forge a path in education and I certainly agree with the Senator in that respect. I respect his genuine positive and good intention in making that point. It is important to acknowledge that in this instance we are almost unique in Ireland in offering the class of 2021 a chance to avail of an accredited grades system or the written exams in June. It is a remarkable achievement and statement by this country which shows we recognise we have the potential and the ability to deliver in a unique way to meet unique challenges to the competencies and abilities of our students. We will do what best serves our students at every opportunity. It is important to make that point.

Another common thread this afternoon referenced the leaving certificate for 2022. I am conscious that the students in that year have had their own significant challenges in being out of school and having limited opportunities for in-person learning. I have made it clear before that we will look to make suitable accommodation for those students, recognising the time when they were not in a position to avail of in-person teaching and learning. I want to be very clear about that.

A number of speakers raised the question of canvassing and it is very important the Bill contains a provision on the prohibition of canvassing. It is a very important reassurance for everyone involved in the process, so it is only right and proper for it to be there. Various speakers have raised genuine concerns about students being inadvertently discommoded because of the actions of somebody else. It is important that such a consideration could be addressed, so I want to be very clear that that part of the Bill has a very clear acknowledgement that there will be a robust and significant review process of individual cases, including individual circumstances or information pertaining to a case. They will be robustly examined and adjudicated upon, which should give assurance that a decision will not be made in a single fell swoop. This will be a very considered and involved review process.

A final point relates to the senior cycle review, as the topic featured extensively this afternoon. Senators are aware of the senior cycle review and we are awaiting the advisory report, which will come in the not-too-distant future. It will be a significant step forward for the entire senior cycle review. The review will be looking at all areas, including transition year, the leaving certificate applied, the leaving certificate vocational programme, LCVP, and the leaving certificate established.

It is important to acknowledge, as previous speakers stated, that there are incredible learnings from this past year. These are learnings from developments we would never have envisaged we would have been capable of achieving two years ago. It is important that all that we have learned in this present climate will feed into the process. Equally, there is an acknowledgement that there is much that is positive about the present senior cycle. Like any experience of education, or indeed any experience of life, there is always room to do things differently, better and in a more visionary manner.

Members made strong contributions today about the importance of ensuring every child is benefited by his or her experience of the senior cycle, feels included and has a place in it as he or she would experience it in school. That will be underpinning all of my judgment and involvement going forward in terms of what we can achieve for students at senior cycle. I look forward to strong consultation and inclusive debate in terms of how we move forward with the senior cycle.

It is important also to emphasise we have achieved an awful lot in the education sector in difficult and challenging circumstances over these past 18 months. This has been on the back of positive and proactive engagement from the widest possible consultative process that included parents, teachers, students, school management bodies and everybody invested in the education sector. The senior cycle review will be in a similar vein. It will be strongly based on consultative and collaborative engagement. Much has been made of the voices of particular sectors being heard. A system can only be strengthened when all the voices of those involved are equally heard. That is the strength of what we are achieving with this Bill. It is my intention going forward that this strength will be used in the debate and the process which will evolve around the senior cycle.

Today's debate has ensured many points made by Senators have been brought into the public domain. I will give further consideration to these points. I look forward to returning to the House next week and engaging with Senators further. I thank them for their genuine engagement and enthusiasm, along with their positive and proactive engagement with all that happens in the education sector. We are enriched because of it. I welcome that collaboration and engagement continuing.

Question put and agreed to.

Committee Stage ordered for Monday, 10 May 2021.

**Acting Chairperson (Senator John McGahon):** When it is proposed to sit again?

**Senator Aisling Dolan:** At 10.30 a.m. next Monday, 10 May 2021, in the Dáil Chamber.

The Seanad adjourned at 5.28 p.m. until 10.30 a.m. on Monday, 10 May 2021.