



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé hAoine, 3 Nollaig 2021*

*Friday, 3 December 2021*

Chuaigh an Leas Chathaoirleach i gceannas ar 10 a.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### Teachtaireachtaí ón Dáil - Messages from Dáil

**An Leas-Chathaoirleach:** Dáil Éireann has passed the Finance (European Stability Mechanism and Single Resolution Fund) Bill 2021 on 2 December 2021, without amendment. Dáil Éireann has passed the Houses of the Oireachtas Commission (Amendment) Bill 2021 on 2 December 2021, which is sent herewith to Seanad Éireann for its recommendation. Dáil Éireann has passed the Finance Bill 2021 on 2 December 2021, which is sent herewith to Seanad Éireann for its recommendation. Dáil Éireann has passed the Health (Amendment) (No. 3) Bill 2021 on 2 December 2021, to which the agreement of Seanad Éireann is desired.

#### Health (Amendment) (No. 3) Bill 2021: Second Stage

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

**An Leas-Chathaoirleach:** I welcome the Minister of State and invite her to speak.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I wish to thank Seanad Éireann and acknowledge its co-operation in specifically giving us the opportunity to address this Bill.

I am here today to address the House on the Health (Amendment) (No. 3) Bill 2021. The purpose of this Bill is to strengthen Ireland’s ability to respond to the ongoing and emerging threats to public health from Covid-19. As we have always done, we need to act as and when required to ensure we do what we can to protect our health. Amending the Health Act 1947 will allow for the reintroduction of mandatory quarantine at a designated facility for all passengers arriving from particular countries where variants of the Covid virus present a particularly high risk. The Minister for Health, Deputy Stephen Donnelly, made the following important point clear yesterday in the Dáil. The provisions of this Bill strike a fair and proportionate balance between the protection of public health and the common good in the face of this pandemic, on the one hand, and the limited restriction of individual rights, on the other.

Earlier this week, we confirmed the first case of Omicron in the country. We know this means there will be more. If we put in place a system of mandatory hotel quarantine once again, we will be able to slow down the transmission of this variant of concern. We have heard reports of cases identified across the globe, in England, Scotland, the Netherlands, Hong Kong,

Australia, Japan and Canada. We must do what we can to protect people's health, and none more so than that of our most vulnerable. We must also do what we can to keep our communities safe. We also want to reassure those who are reliant on important day or residential services that they will continue to be prioritised and well cared for.

We know the system of hotel mandatory quarantine is effective. During the six-month period of hotel quarantine earlier this year, 17,846 tests were performed on residents. Some 593 residents in mandatory hotel quarantining, MHQ, accommodation tested positive for Covid-19. As these cases were isolated, we cannot know how many potential cases in the community were avoided as a result of this isolation. In addition, the imposition of quarantine would have sent a clear message to all potential travellers and, as a result, they may have chosen to postpone travel until it was safer to do so. The Bill would permit the reintroduction of mandatory hotel quarantine should it be required. By having the legislative provision in place, we will be in a better position to react quickly when a decision to move forward is taken. The legislation will only be commenced if and when it is appropriate to do so.

From the beginning of the pandemic, the approach taken by the Government has been informed by national and international expertise, including the advice of the WHO and European Centre for Disease Prevention and Control, ECDC. NPHEC continues to monitor the evolving evidence internationally in respect of Covid, as well as our experience of the disease in Ireland, and advises the Government on public health issues.

The legislation we are seeking to introduce today is fundamentally the same as previous legislation permitting mandatory hotel quarantine, but there are some important changes we propose to make in response to the lessons learned during our previous experience. We must address the additional challenges facing us at this time. The Government has already taken and retained important steps to limit the importation of variants of concern. From 29 November 2021, additional restrictions apply to travel from seven scheduled countries in response to the Omicron variant. These are Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe. Travel from these states is limited to Irish citizens and residents, EU citizens and residents and UK citizens. Persons, regardless of vaccination or recovery status, who travel from scheduled countries are required to have a negative/not detected PCR test result 72 hours prior to arrival in Ireland. They are also required to self-quarantine at home for 14 days and to make reasonable efforts to undergo PCR testing on day two and day eight post arrival.

In the Dáil yesterday the Minister was keen to demonstrate that he is listening to concerns regarding communication, a matter which many members of the Opposition raised. He gave a number of solemn commitments, including to engage with the Opposition to determine how best to improve communication, which I know he will follow through on. We are all acutely aware of the nature of the legislation before us and of the Covid legislation which we have had to approve. I wish to restate in this House the Minister's commitment to improving communication. We can address some of the specifics of this on Committee Stage. I will now outline some of the key provisions of the Bill in more detail.

The Bill is divided into five sections. Sections 1 and 2 set out definitions and interpretative provisions. Section 3 is the main body of the Bill and inserts new sections 38N to 38Z, inclusive, into the Act of 1947. This section specifically provides for the re-introduction of mandatory hotel quarantine and related matters. Travellers who have been in a designated state within the 14 days prior to their arrival in Ireland will be obliged to undergo a 14-day period of quarantine. The Bill includes a provision to allow exit from quarantine before the completion

of 14 days if travellers return a not detected Covid test upon arrival and a further such test on day ten of quarantine. There are a limited number of other circumstances under which travellers may leave quarantine, such as for medical treatment or other humanitarian reasons. The Bill also contains provision for travellers who arrive without the relevant pre-travel Covid test to be obliged to enter mandatory hotel quarantine. Unlike the previous system, however, there is a provision which will allow the Minister to designate classes of persons for whom failure to present a valid pre-travel test result will mean an obligation to enter mandatory hotel quarantine. This allows a greater degree of flexibility to focus on those who present the greatest risk.

In the summer, the Health (Amendment) (No. 2) Act 2021 contained some amendments to the original legislation in this area. These provisions are included in this Bill and allow the Minister to prescribe alternative testing to PCR testing prior to arrival in the State. Also provided for is an alternative approach to dealing with any travellers who arrive in the State who are not in compliance with pre-travel testing requirements. Another important development was to provide that a public health doctor can permit a traveller in mandatory hotel quarantine who has tested positive for Covid 19 to be released after the initial ten-day period of quarantine where the doctor believes that the traveller does not pose a risk of infection. Travellers will be required to pre-book their accommodation in designated facilities. Appropriate provision is made for unaccompanied minors or those seeking international protection.

The Bill includes provision for travellers to appeal a decision that they are subject to mandatory hotel quarantine. Section 38N(25) includes categories of travellers who are exempt from the requirement to quarantine, such as drivers of heavy goods vehicles, maritime or air crew, or elected officials travelling for official reasons. There is also provision for other groups to be exempted by regulation, as was the case previously. Section 38O sets out the power to return travellers to quarantine if they have left inappropriately. Section 38P sets out offences associated with the Bill and establishes the relevant penalties while 38Q sets out the power and the process for the Minister to designate the states relevant to mandatory quarantine. Section 38R makes provision for the designation of facilities and to require travellers to pay for quarantine. Section 38S sets out the regulation-making powers of the Minister and sets guiding principles for use in that process.

Sections 38T and 38U, inclusive, provide the authority for the Minister to make arrangements for transport and accommodation and related matters for quarantine purposes. Sections 38V and 38W set out requirements and obligations related to record-keeping and data protection. Section 38X allows the Minister to make arrangements with other Ministers to carry out some of the functions associated with the requirement to quarantine as they relate to the designation of facilities for quarantine, making service contracts, and data protection. Section 38Y establishes a requirement of travel organisers, such as airlines, to inform a traveller of his or her obligation to pre-book his or her quarantine, check that those bookings have been made and potentially refuse to allow travel where a booking has not been made. Section 38Z provides for another key change that is new in this Bill. There will be a provision to facilitate travellers to seek clarity before travelling in relation to the possibility of not being required to complete hotel quarantine. This could be for medical reasons, by virtue of having to care for a dependent person, or for other humanitarian reasons.

**Senator Lorraine Clifford-Lee:** The Minister of State is very welcome, as always. I thank her for that very comprehensive run down of the provisions contained in the legislation. It is really unfortunate that we are here, discussing this legislation. A couple of months ago we did not envisage that we would be reintroducing mandatory hotel quarantine, but we are where we

are. The threat posed by Omicron is unknown and it is right and proper that we are acting here today and pre-empting matters in the context of what we may need in the future. The solidarity across all parties in the Lower House last night was very striking and there was almost unanimous support for this legislation. I look forward to similar support here in the Seanad because we know that the Government is only doing this because we are in a situation where we need to protect ourselves.

This legislation is proportionate and balanced, as the Minister of State said, and it will only be commenced when it is appropriate to do so. The aim is to slow down the transmission of Omicron. We know that we cannot shut down our borders and keep people out forever. That is completely unrealistic. Countries that tried to operate a zero-Covid policy were not successful. That is not what we are trying to do here. We are not discriminating against certain countries but the facts speak for themselves. There are high levels of Omicron in the scheduled countries, as the Minister of State outlined. Hopefully, this will be temporary in nature and we will be able to get a hold on things. The WHO has sent medical support and supplies to the affected countries and I would be very eager to ensure that they are not discriminated against into the future. Once they get these outbreaks under control, we should seriously consider de-scheduling them and allowing their citizens to move more freely.

I wish to refer to a number of related issues. We heard last night that NPHET sent a letter to the Minister. The Government is probably mulling over that letter today. I ask the Minister of State to convey the message to the Minister that we need a decision on any further restrictions sooner rather than later. People cannot wait until after the Cabinet meets next Tuesday. There has been much speculation and there are leaks in newspapers today. We knew some of the detail of the aforementioned letter last night. People need to know what the Government is going to do. I urge the Minister of State to encourage her colleagues to make a decision quickly. People's nerves are frayed. I think in particular of people in the hospitality industry. I heard Adrian Cummins on the radio in recent days talking about this and my heart goes out to them. The workers in the sector need to know what is going on. Families that are travelling for Christmas must also know if they will be able to travel or to have Christmas dinner with their loved ones. It would be for the best if a decision is made on that sooner rather than later.

I believe vaccination doses for children will be available from 13 December. Could the Minister of State indicate if there are any plans to roll out a vaccination programme for children in Ireland? I know it will start in Germany on 13 December. Are we going to start vaccinating the under-12s before Christmas? This is another way of slowing down transmission and harm. We have seen the figures in primary schools, and we must move forward with the vaccination programme. There has been a great uptake of vaccinations in this country, and I believe there will be a great response to the vaccination of children as well. As the parent of a child who falls within that category, I would like to know so I can start to get her ready and start talking about it and explaining what is going on to younger citizens. I would appreciate it if the Minister of State could address that in her response. I thank her for coming to the House. We are in an unfortunate position. The pandemic has continued to surprise us time and time again. I hope it will be the last time that we pass such legislation.

**Senator Victor Boyhan:** I warmly welcome the Minister of State, Deputy Rabbitte, to the House yet again. I thank her for taking the time to come here and set out her comprehensive rationale behind the legislation.

I thank the many hundreds of people who have written to Senators, and no doubt Deputies,

with different points of view and perspectives, all valid. That is important. There is a suggestion that people in political circles are doing down people because they have a different view, but I do not subscribe to that. Everyone has a valid view and a reason. I do not necessarily support them all, but it is not about me anyway, it is about the national interest. That is important.

I acknowledge the enormous talent, expertise and dedication we have in the health service. I do not need to tell the Minister of State, as she knows it. She is at the coalface. She is involved with hospitals and the health sector. She knows the story with health workers. Whether it is those who meet people at the doors or janitors, many of those who do all forms of work within the hospital sector are physically broken, worn out and exhausted. That is the background to this legislation. I have no doubt the Minister of State will be banging the table hard. We need additional resources for them in the battle with Covid. I refer to their personal support. That is critically important. We have heard of long working hours and very difficult issues. They too are human and they are susceptible to the virus. They must also put a crust on their table and carry out their normal life. We should never forget that when we are discussing health and Covid.

The next issue I wish to address is the Irish Council for Civil Liberties, ICCL, an organisation I much admire and support. It has been amazingly supportive of me and my work in the Seanad, as it has been of colleagues in the Seanad on all sides of the House. It has raised legitimate and serious concerns. I single it out because in many ways it articulates and brings together many of the concerns of the smaller groups and individuals around the country. I want to share three of its many key issues. They are the ones that jumped off the page when I re-read the ICCL's document before coming to the House this morning. It states:

The rushing of these Bills through the Oireachtas once again undermines proper democratic processes. Legislation which impacts rights should undergo additional parliamentary scrutiny, not less.

I know we all agree on this, but it is worth putting it on the record. It then goes on to say:

Sunset clauses in emergency legislation are meaningless...and impact on rights. All future extensions of legislation must provide for robust analysis and in-depth scrutiny. All restrictions on rights need to be grounded in strong evidence proving they are necessary, proportionate and constitute the most minimal interference with rights [of citizens and the people of this country.]

That is articulate and spot-on. The ICCL also referred to clarity of messaging and getting out the message. Senator Clifford-Lee referred to that. I fully concur with her. Clarity of message is crucial to every sector of society. I will not single anyone out for fear there is somehow a hierarchy. There is no hierarchy. Everyone needs to know the message. Everyone needs to know it is the same message and there needs to be a consistency of messaging and of approach by the Government. That is important if we are to bring the people with us on this journey. We must instil confidence in them in the manner in which we proceed.

It is important that I make those points. However, I accept and I put on record that the proposed legislation before this House today is solely focused on protecting public health in the context of the Covid-19 pandemic. I accept the rationale the Minister of State has set out in her presentation to us today. In summary, Covid-19 still represents a public health emergency and continues to pose a significant challenge and threat to the people of Ireland, Europe and

globally. The epidemiological situation in Ireland indicates a worsening disease profile with the future trajectory very uncertain, so therefore we must follow the science. We have heard this so many times. We must follow the health advice. It is not what politicians want to do or should do or think is expedient for their constituents or the people they represent, it is a case of following the science and following the expertise. That is a good move and the right strategy for the Government.

The introduction of primary legislation is required to enable the continuation on a regular basis of a range of public health measures and, importantly, to ensure that these continue to be the legal basis for what we do. We must remember that this is what we are about here today. This is about providing the legal basis for future measures if required. Hopefully, they might not all be required, but we are putting in place the legal basis for them.

These are exceptional times, and we are being asked today to confer exceptional provisions and powers on the Minister for Health and the Government. The Government is being tasked with enormous responsibility by the Houses of the Oireachtas. It is important that we take on board the submissions.

There are four amendments before the House today. I have studied them, and I think they are all reasonable and fair. I thank Sinn Féin and the Labour Party for proposing them. I will endorse them. If there is to be a vote, I will support them. They are right. Surely to God, as parliamentarians in both Houses of the Oireachtas, we should support any move that strengthens the oversight and accountability of these extraordinary powers in the Oireachtas. That is not too much to ask. We should not even have to ask. It should be a matter of course that when these extraordinary powers in this extraordinary time are renewed or reviewed, they come back to the Oireachtas. The amendments before us today seek to do that and therefore I will support all four amendments.

**Senator Paul Gavan:** Well said.

**Senator Martin Conway:** I welcome the Minister of State, Deputy Rabbitte, to the House on International Day of Persons with Disabilities. I thank her and acknowledge the enormous work she is doing as Minister of State with responsibility for people with disabilities on behalf of people with disabilities in this country.

**Senator Lorraine Clifford-Lee:** Hear, hear.

**Deputy Anne Rabbitte:** I thank the Senator.

**Senator Martin Conway:** It is a great day and we have a lot to celebrate, but it is a day when we should be aiming to achieve more and set the standards to create a society where everybody is included.

As Senator Clifford-Lee and other speakers have said, we do not want to be here bringing this legislation through the House. It is the last thing in the world any Minister or any of us as Oireachtas Members want to do but, unfortunately, it is necessary in order to protect the public health of the citizens of this country. Mandatory hotel quarantine is an extreme measure, but it is required when people come from certain countries. I hope the legislation will pass. I think it will get cross-party support in this House, as it did in the Dáil yesterday. The debate in the Dáil was a very good one. Lessons have been learned from our previous experience with mandatory hotel quarantine and that is reflected in this legislation.

Like most countries, Ireland is facing an enormous battle; it is a war against Covid-19. There are many variants. Some fizzle out and others, unfortunately, become a threat. The biggest threat is not the new variant; it is the Delta variant, which is circulating in the community. Delta is rampant in our communities at the moment. The basic messages that were articulated from the start of this pandemic are as relevant today as they were then. I refer to the public health advice on social distancing, reducing contacts, washing hands, ensuring that, where possible, windows are left open, common sense, doing the right thing and being careful. It is amazing how we can reduce the spread of Covid-19 by doing all of that.

Covid-19 is spread through human contact, people being close and congregating in areas, etc. If everyone of us chose to do one or two extra things in order to be more careful, it would be incredible in terms of the immediate reduction in the number of cases. I am confident that over the next few days we will see a reduction in case numbers because people are being careful, are following the public health advice and are making an extra effort. It is terrible that in the run-up to Christmas this year we yet again find ourselves in the situation of having to do that. Every bit of effort made by people reduces the number of those who contract the virus, which reduces the numbers in hospital and ICUs and, ultimately, the number of families who will suffer a bereavement because of Covid-19. That is what we need to think about. When we are careful when out and about, when we wear our masks and we do what we should be doing, those actions save lives and reduce the number of people who are grieving.

I look forward to the remainder of this debate. Concern was raised by various groups with regard to this legislation. The Minister has taken on board those concerns. The past two years of my ten years in the Oireachtas have been the most difficult in terms of this type of legislation, but it is necessary because its aim is to save lives.

**Senator Vincent P. Martin:** I welcome the Minister of State and thank her for outlining in succinct terms the impact and import of the proposed legislation before the Upper House. It is proper that the House would sit today. Never should a Government or a Minister be given a free pass or a blank cheque to implement measures that are, with respect but in reality, draconian. The measure, by their very nature, draconian. The question we must ask is whether they are appropriate and would they pass the proportionality test. This legislation affects one of the most fundamental rights after the right to life, namely, the right to liberty. The right to freedom lies at the very heart of any organised democracy. People have fought and died for the right for freedom, but we are living in unprecedented times.

This pandemic and the latest variant of Covid-19 pose unprecedented and grave risks which we must counter now in good time in order to protect the people. I am glad that the legislation, despite the gravity, strength and, with respect, draconian nature of it - I do not say that in a pejorative sense - offers some latitude and flexibility in particular. As referenced by the Minister of State, section 17 provides that a person may request that his or her quarantine be reviewed by a designated appeals officer. These checks and balances, which relate to respecting countervailing rights, are essential. They go to the very heart of a functional and proper democratic state. Section 18 provides that the request shall be reviewed by a designated appeals officer as soon as is practicable but not later than 24 hours from the time of the request being made. That is absolutely at the outer end of the time because if you were to push it out further to a few days, it could become moot. I ask the Minister of State for an assurance that the resource of designated officers will be available to us in order that this can be taken seriously. There should be no blind presumption.



Like many other parties, the Green Party, Comhaontas Glas, has a proud tradition of supporting fundamental human rights, and we support this legislation. I welcome what happened last night. There is solidarity and support across the political spectrum. I want to put on record the fact that it is important to have the resources available to reach even some of those appeals within 24 hours. As human error is a possibility, there may be a small number of people who should not find themselves in quarantine. This is an important provision that prevents the spectra of people running to the High Court, which already faces huge pressures. The exhaustion of this channel first and foremost is absolutely essential. I welcome the provisions in respect of balancing those rights.

The Minister of State laid out a number of commonsense exceptions. This is not just slamming door on people. Democracy, fairness and due process have to be at the heart of these essential provisions. We have to protect our people because of the dreadful risks that are presented. As stated in the explanatory memorandum, the purpose of the Bill is to make exceptional provision in the public interest, having regard to the manifest and grave risk to human life and public health posed by the spread of the disease known as Covid-19 and variants of that disease in order to mitigate, where practicable, the effect of the spread of the disease. There is no hidden agenda. People at home are concerned. Some individuals, perhaps because they are under pressure with the stresses of life and the economy, feel that this is another step and a slap in the face. As legislators, we have to reassure them and lead from the front. We cannot be sucked into elements of populism that feed that there is something at play here which is untoward or that this is stealth, a breach of fundamental rights and a usurping of people's rights by the backdoor. There is no conspiracy here. I say that with the utmost respect. There are some who genuinely believe that there is a conspiracy. It is up to us, as public representatives, to take the fight to those people who have genuine concerns, to reassure them that we, as legislators in the Upper House, take our responsibilities in the area of fundamental rights extremely seriously and that we are only doing this on foot of the expert advice and on the grounds laid out by the Minister of State.

Nobody in his or her right mind would enjoy introducing such draconian legislation. We have to be responsible. We have to step up and protect our people. At the end of the day, the greater good, public policy and the public have to be at the heart of our actions. I am a little reluctant, but I have thought this through and the Green Party, Comhaontas Glas, has to fully support this legislative initiative. I thank the Minister of State for outlining each section in such detail.

**Senator Paul Gavan:** I welcome the Minister of State and thank her for the level of detail she went into with regard to the Bill. As she will be aware, Sinn Féin has tabled a number of amendments. When similar legislation was brought before the Seanad previously, we supported it. We will also support this Bill. At the same time, it is important that the Minister of State listens to what the Opposition is saying on the need for engagement, proper oversight, accountability and transparency when all of these decisions are being made. I welcome the fact that at least we are dealing with primary legislation, so that we can set out all of our views and tease out the implications of the legislation being proposed, as opposed to tabling motions on emergency powers, which has happened in the past, whereby we cannot amend or have proper debate and scrutiny. Unfortunately, all too often, regulations have been made without any regard for the Opposition.

To be clear, nobody wants additional public health measures and nobody wants additional restrictions. Each and every restriction introduced is extreme in its own right. While we need

to put in place public health measures for travel, we always have to be careful and balance out the measures we introduce and the impact they have on citizens. We all know that because of the profile of the disease now and because of the potential threat of the new and possibly other variants, we may have to look at mandatory hotel quarantine at some point in the future. If that is the public health advice and if it needs to be implemented, measures will have to be introduced quickly by the Government.

The reason I support the Bill because of the threat that the new variant may potentially cause. We have to listen to the science and the medical experts. We have to wait and get the expert opinion as to precisely how difficult and challenging the variants will be. There is little point in speculating. We are learning more about it every day and over the coming weeks we will learn even more. It is also appropriate that we respond as quickly as possible.

In responding, what we need to do is not move ahead of public health advice or fall behind public health advice when it comes to international travel. We had many debates on international travel in the past, where my party was strong in supporting mandatory hotel quarantine, where it was necessary. Equally, every time it was introduced, we always said it is an extreme measure that should only be introduced and used in exceptional circumstances, when necessary and for only as long as is necessary. The same logic should apply here.

The response from the Government generally with regard to many of the tools that the State has at its disposal and that the Minister for Health has to deploy, has not been adequate. Mistakes have been made. There has also been an appalling lack of consultation with stakeholders in many areas. The most recent example of this has been the decision to ask children aged between nine and 11 to wear face masks. This is the public health advice and I accept it. The difficulty is that this decision was made quickly with no consultation whatsoever with teachers, teaching unions or the National Parents Council. It was simply brought in. As usual, there were mixed messages in the early stages when it was first introduced. It landed on the laps of school principals and teachers. The direction given to schools was seen as an overly confrontational approach, which I believe is unnecessary. We need to be careful, when dealing with public health measures and particularly when they impact children, to not take a confrontational approach. We should take a common-sense approach. In my view, this is what should have been done in this instance. When there is non-engagement and when something like this is landed on schools, teachers and parents at the eleventh hour, without any consultation or engagement, it causes concern and it presents challenges. I suggest that the Minister needs to re-examine the way this particular piece of advice was given and to re-examine exactly what instruction is being given to schools. She also needs to ensure that there are sufficient flexibilities within that advice to acknowledge that this will be difficult for schools, parents and teachers.

The Minister of State will be aware that we have tabled a number of amendments to this Bill. This is all about parliamentary oversight. The reality is that when statutory instruments and rules are introduced, many times overnight without any consultation, all of us are held accountable. For that reason, we are asking the Minister of State, and I think it is reasonable to so do, to ensure that there is a degree of parliamentary accountability. That is what our amendments Nos. 1 and 2 basically do. We want to ensure that regulations made under the Act must first be approved by the Oireachtas two days before they come into effect. As we also recognise that regulations could be an urgent measure, we provide for urgent regulations to be made and to subsequently be approved by the Dáil, following consultation with and the agreement of the health committee.

Those are reasonable requests. People on all sides have been frustrated by a lack of consultation and a lack of effective communication on the part of the Departments in relation to these regulations. The difficulty is that this causes a lack of confidence in the public. We know where that can lead. It is in all of our interests to ensure that a reasonable degree of parliamentary oversight is maintained in this process. We will be supporting the Bill because we recognise its urgency and its necessity. However, it is a reasonable question. I welcome Senator Boyhan's response about supporting these amendments. These amendments do not undermine the Bill. They simply ensure that there is a reasonable degree of parliamentary oversight. We will get to discuss them hopefully on Committee Stage and I look forward to the engagement with the Minister of State.

**Senator Rebecca Moynihan:** I welcome the Minister of State to the House. The Labour Party will support this legislation today, as we continue to support Government efforts to tackle the pandemic. However, the virus is already tearing through the country, tearing through schools and tearing through this building. It is difficult to get a PCR test. Proper ventilation still is not part of our response. It seems to me that mandatory hotel quarantine is focused on travellers so that the Government can pretend it is doing something, while not addressing the underlying issues, such as proper ventilation for what is an airborne virus.

It is worth noting that a vital part of our policy response to Covid-19 should be access to vaccines and the Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, waiver. As we come to yet another Christmas that looks as though it will be overshadowed by this virus, it is worth reflecting on the season of giving, of empathy and of generosity. We must do more to get much-needed vaccines to the people who need them all over the world. This is the only way that we can stop new variants emerging. We must do this together. We must help each other to achieve widespread vaccination everywhere. Until this happens, no country is safe and no person is safe. By the same token, we cannot operate mandatory hotel quarantine, as we did during the summer, by essentially by directing it towards the states in the global south, without ever properly acknowledging that virus numbers are soaring in the countries of our nearest neighbours. That is not a policy approach that targets the countries where the virus is out of control. It targets countries which are politically convenient to stigmatise.

On Wednesday, we saw announcements from the Department of Justice introducing new visa requirements for passport holders from South Africa, Botswana, Namibia and Lesotho as part of the response to new variants. This is the case regardless of whether people have actually been in these countries. It is apparent that the issue is that they have passports from these countries. That is not a response that is based on science. We know that the Omicron variant has already been found in countries across the world, across Europe and is in Ireland itself. It seems to me that African countries are being targeted specifically because they have been ahead in sequencing and in identifying the virus, rather than simply that the variant comes from that African country. It is already spreading here. Punishing passport holders from the countries that had the scientific capability to identify the variant in the first place is neither how we keep people safe nor how we encourage countries to be able to properly sequence the virus. If we are going down the road of mandatory hotel quarantine again, it must be supported by proper suppression measures domestically. That includes, but is not limited to, a properly rolled-out subsidised and informed antigen testing regime. It is looking more and more like this will not be our last winter with Covid-19. We are going to have to start making long-term plans and stop acting as if this were a wave of the virus that will be our last. We need to plan it effectively for the long term. Mandatory hotel quarantine is not a long-term or comprehensive solution.

While we are supporting this Bill today, we have also tabled amendments. I sincerely hope that the Government Members of the Seanad depart from the actions of their colleagues yesterday and that they will support the Labour Party's amendment that explicitly allows those who travel abroad for time-sensitive medical reasons and come back to Ireland - I specifically mention abortions - to be exempt from mandatory hotel quarantine and testing requirements. I have asked the Minister for Health, Deputy Stephen Donnelly, in this House and he has refused to confirm in this House that abortions are exempt from that situation. We know that women have been turned away from aeroplanes. I also heard of a situation yesterday from the Abortion Support Network, which operates in England, that a woman had to go into isolation for ten days. She was stuck in the UK, adding to the expense of her travel, because she failed a PCR test. We have tried to explicitly state this, yet the Minister for Health has said that this will be dealt with in regulations. However, we are 18 months into this virus response and the Minister for Health and the Department of Health have refused to explicitly state that. We know the situation on the ground is that women are extremely panicked about getting tests where they have to go for an abortion within a 72-hour time period. This will now be a 48-hour time period. Our amendment is reasonable and it is shameful the Government voted it down last night.

**Senator Paul Gavan:** Hear, hear.

**Senator Rebecca Moynihan:** I will push it to a vote today.

**Senator Paul Gavan:** Good.

**Senator Rebecca Moynihan:** I want it explicitly stated on the record by a Minister that travelling for an abortion is considered a time-sensitive imperative medical reason. No Minister has done so for 18 months. Last month, I asked the Minister in the House directly and he did not come back. Senator Gavan offered to give him time and he still refused to say or acknowledge it. He had to go to check it out. He never came back and last night the Government voted down the proposal. Women can not wait any longer for this clarification. They are travelling today.

**Senator Paul Gavan:** Well said.

**Senator Eugene Murphy:** On this special day dealing with disabilities, I welcome the Minister of State and thank her for her commitment to the sector, which is recognised by everybody as strong and extraordinary. We have a lot of work to do but the Minister of State is certainly doing well in standing up for people.

Like the Minister of State, Senator Clifford-Lee and others, I would prefer not to be here this morning having to support the legislation. I will say what I said yesterday in a debate. These are not ordinary times; they are extraordinary times. We all have to pull together in these times. We have to try to bring people with us. It is important to point out that there will probably be more restrictions but society will not be closed down by the Government. We have to be careful.

The problem for the Government and health officials is we do not know about Omicron. Nobody knows how dangerous the variant will be. It is a huge problem. This is why I have a problem with the two-word phrase "mixed messages". When we are dealing with a world pandemic it is the most stupid phrase for politicians and others to be using. Even the medics cannot get it right. We are facing a world challenge where in excess of 4 million people have lost their lives and millions have been affected. I was in the company of two families in my area

who both lost their mothers. I would not like any family to go through what they went through.

I respect everybody's point of view and I reply to all emails, as do my staff. I do not keep anybody out of the equation, irrespective of whether his or her views are at variance with what I think. When I find people I know very well sending me videos making a laugh of the latest variant coming from South Africa I cannot understand it. Nobody knows where we are going with it.

With regard to the legislation, it is far better that the Government is prepared. We may never have to use the legislation, as several speakers have said, and I hope we will not have to do so. If, in a few weeks' time, it turns out that Omicron is a very serious threat to us all and the Government had not moved ahead in time, we can imagine the uproar there would be from everybody in the media, the Opposition and everywhere else. While I totally dislike this type of legislation, and I cannot wait for the day we can unhinge all of this from our democratic society, it is what we have to support now. While I do not blame them for doing so, some people argued for a zero-Covid policy. God help us if we had that. The pandemic is a challenge for every one of us. None of us can get it right. I also say this to the media. It is very hard to have a clear pathway forward when we are dealing with a pandemic.

There is a major challenge for teachers and parents. Getting the word out about masks was probably a bit rushed but much of the reason for that is the pandemic. I have spoken to many school principals and teachers. My daughter has begun teaching so I know what is going on. They accept it is a challenge but they will put their shoulders to the wheel. Yesterday, I spoke to many parents about wearing masks. As long as they know that a child with special conditions or a child aged over nine who is not happy with a mask is catered for, they have no difficulty with masks. Let us be clear and honest all around. We are dealing with a very difficult situation.

**Senator Seán Kyne:** I welcome the Minister of State. I will take up some of the comments regarding masks in schools, with the exception of those with special health requirements. I heard a commentator compare masks in school to a form of child abuse. This is absolutely ridiculous and scandalous. It is an insult to anybody who has, unfortunately, suffered a form of child abuse. Masks are an inconvenience. They are a bit of a pain. That is it. That is as much as they are unless people have a medical condition. Most children will have no issue. They will see them as what grown-ups do, wear and have and they will probably enjoy it. In many cases it is parents who have a problem.

Omicron is the new threat. It is here and time is needed to assess its impact on the country and everywhere else. We need to continue to take a cautious approach to everything we do. The Bill gives powers to act if needed if the situation becomes much more serious throughout the world and the European Union. It provides for mandatory hotel quarantining. On the previous occasion we had hotel quarantining, many more countries were included, including some EU countries. It led to many challenges for public representatives as people contacted us seeking exemptions for specific cases and emergency cases, such as circumstances in which people needed to come home to attend the funeral of a loved one. There were many court challenges. No legislation or situation is perfect in terms of how it operates or can be enforced. It is important that exemptions are provided where necessary for certain situations.

We hope this will not be required but Omicron is in Ireland. It is in the European Union. As a result of the work South African medics did to identify the strain, that country has been blamed, whether the variant originated there or not. Who knows. It is unfortunate that par-

ticular countries have been highlighted. The variant has been found throughout the European Union. I hope these powers do not need to be used but it is right and proper that we are cautious and prepared and that the Government notes the risk and acts on its potential.

**Senator Jerry Buttimer:** I welcome the Minister of State, Deputy Rabbitte, to the House, in particular, as Senator Conway said, on international disability day. It is important and appropriate that today we pay tribute to Senator Conway on his work and advocacy on disability matters.

**Senator Paul Gavan:** Hear, hear.

**Senator Jerry Buttimer:** Today is an important day. I also said this on Wednesday when the Minister for Health, Deputy Donnelly, was in the House. In a way, it is a bit like Groundhog Day. Many people thought in March 2020 we would be out of Covid-19 by the summer or Christmas. We are here again on the edge of the following Christmas. It amazes me that the experts know everything. They can pontificate on everything. They can ride both horses. They are never wrong. They are always right. Go back to what it says in the newspapers this morning with regard to what the European Medicines Agency has stated. We are still in the dark regarding the new variant and its transmissibility, severity and immunity.

*11 o'clock* These are the experts. These are the people who know the science. What Senator Boyhan said this morning is what we should all do. Follow the science and follow the expertise. Let us keep it simple. If I never agree with Senator Boyhan any more then I agree with him in that sentence. Follow the science and follow the expertise because everything else is conjecture, speculation and driving people into a frenzy. The national broadcaster should be held to account for the way in which it covers Covid-19. It is an absolute disgrace. Some mediator commentators and journalists should take a look in the mirror at the way in which they report and drive people up the hill and down. I say that genuinely. We have had furore and frenzy being driven into people by ill-informed commentary. Follow the science and follow the experts. That is a great line by Senator Boyhan.

**Senator Victor Boyhan:** One of many.

**Senator Jerry Buttimer:** That one is particularly good. I respect the fact that the Minister for Health is in the Lower House and cannot be here as he does not have the gift of bilocation. The Minister of State is his very willing and able replacement.

**Senator Victor Boyhan:** Hear, hear.

**Senator Jerry Buttimer:** I am glad that the Cabinet sub-committee is meeting today. I ask the members of the Cabinet to make their decision based on the recommendation of NPHEt sooner rather than later because what will happen? On Saturday, Sunday and Monday we will have every genius again pontificating and driving people daft. I say that with respect because I do not know all of the science. I also accept that NPHEt and NIAC have a job to do as does the Government. We who are conscious of human and civil rights do not want to be here again. There is a need for accountability but the accountability is that legislation must come before the House and statutory instruments are laid before the House. Every time the instruments are published they are on the Order Paper and it is up to us to propose an amendment to the Order of Business to discuss statutory instrument X or Y.

The hospitality sector deserves our fundamental support. Our public health experts and

those who work in our hospitals deserve our support. Vaccinations work and their efficacy shows. I appeal to the people who are watching and listening that if in doubt please get vaccinated as it helps to save lives, preserve life but, more importantly, gives everybody breathing space and a chance.

**Senator Garret Ahearn:** I welcome the Minister of State to the Chamber and thank her for coming here. Like most people have said, this is an important discussion though not one that anyone wants and legislation must be brought through, if and when necessary. Legislation has been brought before and the sky did not fall in. Things have been done, and done in the proper way.

I want to comment on the tone used today by Senators Boyhan and Gavan. I acknowledge the way that they spoke. They spoke about the concerns of people. We have all received emails from people who have concerns but a lot of them are ill-founded concerns. The tone in which we speak in this House and in the Lower House has an impact on people. We hear people say and we get emails from people stating that the decisions made are like what happened in Nazi Germany in 1939, that the decisions made this week were child abuse and that the decisions made over the last number of months are medical apartheid. These people did not come up with that language because that language was said in this Chamber and that language, in particular, was said in the Lower House. How is it possible that if I said now that in my view Senator Clifford-Lee is lying, Senator Horkan, in his position as Chair, would tell me that I have used inappropriate language, should not say it and need to apologise? If I swore then I would be told to apologise. However, if I stood up today and said that in my view what the Taoiseach has done is like Hitler no-one would question that and it is allowed to be said. Then we wonder why we get these emails and why people have gone down rabbit holes. We accuse Facebook and Twitter, which are valid accusations, but we have a responsibility in these Houses in terms of the way we speak. Today, both Senators Gavan and Boyhan spoke in a constructive way about people's concerns but without using language that is just for headlines. What people say has a real impact on society and we do not have to look too far to see where that impact can take us. Two MPs in the UK have died in the last five years as a result of the actions of people who had radical views. It is not a matter of if but when this will happen in this State. Then people will stand up here to say that our Members were wonderful politicians, it is a tragic thing that happened and how did things ever get to such a stage. The Houses have a responsibility in the language that is spoken here as well as everything else. One cannot have someone stand up in the Lower House and compare the Taoiseach to Nazi Germany-----

**Senator Jerry Buttimer:** Hear, hear.

**Senator Garret Ahearn:** -----or compare the Minister for Health to medical apartheid. We have all got messages from people who have been ill-informed, gone down rabbit holes and almost cannot be brought back in their view of this pandemic. We blame RTÉ, and rightly so, and we blame the media and social media but these Houses have a responsibility. The Oireachtas commission that acts in the best interests of how these Houses are run, needs to reflect on the language that is spoken in these Houses and the impact that has on society going forward. We need to keep people on message in terms of protecting people's lives. Most of the decisions we make are to protect people and, in particular, to protect the people who, for whatever reason, have decided not to protect themselves. That is the reason most of these measures are in place. In Ireland, at the moment, if one is unvaccinated and over the age of 45 but ends up in ICU then one is more than likely to come out dead than alive. Those are the facts. Everything that we do as a Government and as legislators is to protect people and, most importantly, to protect the

people who seem to not, for whatever reason, want to protect themselves.

In my role as spokesperson on enterprise and trade, I welcome the fact that the Cabinet is meeting today to discuss the legislation that has been brought through. Can we please support the hospitality sector and make the decision today? If we are making decisions on protecting people in our communities then let us make a decision today on protecting people in the hospitality sector.

**Senator Micheál Carrigy:** I welcome the Minister of State and thank her for outlining the Bill.

Our job here, as public representatives, is to make decisions that protect citizens and make a better life for anyone who lives in this country. That is what I feel we have to do here today. However, it is important that legislation is balanced in terms of all citizens. As Senator Gavan has said, it is important that the Opposition has an input into making changes that might have a positive impact on the proposed legislation. What we propose today is not something that we contemplated even two months ago. We looked forward to a lovely Christmas that everyone could enjoy and that people could come home from abroad to visit their families and loved ones whom they might not have seen for a long time. Unfortunately, that is not the case. It is necessary that we bring in this legislation to protect citizens. We do not want the same situation that we had last January where the health system was clogged up. On my way here this morning I heard Dr. Henry say on the radio that two hospitals may have to close due to the system being clogged up, loss of staff, etc.

I support the comments that have been made by my two colleagues, Senators Buttimer and Ahearn. Last Wednesday evening in this House, when the Minister for Health was here, I spoke fully in favour of vaccines and a vaccination certificate, and gave the figures. Over the last 48 hours, I have received hundreds of emails telling me that I am scum and a Nazi. I also received phone calls in the middle of the night. That is what one gets for standing up for what is right to protect people. I am not afraid of these people and reiterate that I am fully in favour of vaccinations and the vaccine certificate. Vaccines are there to protect citizens and that is backed up by facts. This morning I read a statement issued by the World Health Organization, which may have been released yesterday, that if the vaccine programme was not in place in this country then 9,000 citizens would have died over the last 12 months. People need to realise that fact. I know people in my own county who were unvaccinated and have died. That is what people need to think. We do not want to go into a situation where we must have mandatory vaccination. I would not be in favour of it. Such a move is being discussed in Germany, which is the top economy in Europe. From today, and I know this because my brother lives there, it is necessary to have a vaccination certificate to go into a shop. We have not brought in restrictions like that, but it is our job as public representatives to ensure that people are informed of the facts and not ill informed via the lies being put out there through all social media. I appeal to people to listen to the facts. More than 60% of people in our ICUs and hospitals are unvaccinated, and that is with unvaccinated people accounting for approximately 7% of our population. I felt I needed to put that on the record because I feel extremely strongly about this issue. As Senators will be aware, my mother passed away from Covid-19 and I went through the whole situation of standing at windows and not being able to visit and all that. This issue therefore means a great deal to me personally. If my mother was alive, she would be the first person to get vaccinated. Our job is to protect our citizens.

**Senator Paul Gavan:** Well said.



**Acting Chairperson (Senator Gerry Horkan):** Every Member present has contributed. I call the Minister of State, Deputy Rabbitte, who is very welcome.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I welcome this opportunity and I thank all the Senators who participated so eloquently in the debate on this legislation. Senator Clifford-Lee set a clear tone at the start when she said that nobody wanted to be in here today, but we find ourselves in this unfortunate position. By and large, the tone of the contributions all the way through is that we are here to protect people. This legislation is a safety measure, as opposed to a measure needed immediately. It is a precautionary measure to enable the Government to be able to respond if the number of cases were to worsen, or whatever science tells us will emerge.

I must agree with what Senators Ahearn and Buttimer said when they talked about the measured tone of the contributions from Senators Boyhan and Gavan. We can have debate and different opinions, but what is important is how we communicate during such debate. Sometimes, using negative language to incite negative behaviour and to direct it at individuals has consequences. Senator Ahearn was right in his entire contribution. What is said on the floor of Dáil Éireann is sometimes an incitement to the behaviour I referred to, namely, the use of negative language and the rhetoric that will follow thereafter. That brings not only personal attacks on people, like Senator Carrigy has experienced, but also attacks on the parties involved and on the Government as a collective. Our role is to protect people and to ensure that we have the required amendments, legislation and, subsequently, laws to allow us to do that.

We never want to be in a position where we are not prepared. That is how we fail. If anything, what we have learned over the past 18 months is to be prepared. We have also learned to take on board lessons from situations where we could have done things better. Hence, this legislation that we are discussing today. We have seen much mention of hotel quarantine in recent iterations regarding how we could, and indeed have, improved upon it. I think it was Senator Martin who asked me about dedicated officers to hear appeals in this context. There are such officers in the form of a panel of barristers, and there is no shortage. The vast majority of appeals will be dealt with in considerably shorter times, and there is no issue now with it taking too much time. That is the sort of reassurance of which people need to be aware. In addition, guidance from the national immunisation advisory committee, NIAC, on vaccination for those aged under 12 is expected shortly, to address the query from Senator Clifford-Lee. The HSE is planning that roll-out and it is not being long-fingered.

If only one point were to come out of my contribution, and I have a long script from which I will read, it would be the importance of tone in communication at all times. We talk about bringing the people with us. Last night in the Lower House, all Deputies, bar six, supported the legislation that was passed. It was overwhelmingly supported. Why was that? It was because people knew it was the right thing to do. The tone used in communication in this regard, however, could suggest I might have felt I had drawn the short straw in coming in here. I say that because I know what it means to me to be standing here before the Seanad. It means that I am the face of the Government that has driven this legislation and brought it through. What does that mean to me? It means that at least 500 emails are waiting to be read back at my base, and they will state that I have misled, misinformed and misdirected the public. Therefore, I now become the public face of Government to be targeted for having brought through this legislation.

That is not why I am here. I am here because the Minister, Deputy Stephen Donnelly, and the Minister of State, Deputy Butler, are now taking parliamentary questions in the Lower

House. As a collective, however, we have a responsibility, and I sit within the group of Ministers of State in the Department of Health. I chose to come into the House this morning because, like the Senator, I too believe in vaccines and that they work. We all believe in their efficacy and that is why we do this. As the Minister of State with responsibility for disabilities, on this International Day of Persons with Disabilities, I have seen how vaccines have worked, how we have managed to protect the most vulnerable and keep essential services open. I have also seen what has been produced in the recent graphs depicting where the boosters have been implemented in nursing home and residential care settings. I can see that there is now a very low incidence of the virus there. The Minister of State, Deputy Butler, is a very relieved Minister, having seen the response to the vaccination programme. I am the same regarding the residential settings area of my portfolio.

That is the power of the vaccines and that is what we are trying to do. However, where people choose not to avail of the vaccines, and in a context where variants are emerging, the role and responsibility of the Government is to protect, to legislate and to be a step ahead. I thank all the Senators for their contributions. I also thank the officials in the Department. In addition, I thank all the Members of the Oireachtas who have done an overwhelming amount of work in the last seven days. We must remember that it was just this day last week that the Omicron variant was reported as breaking thorough. In seven days, therefore, we have shown our preparedness to respond adequately, as is required.

**Acting Chairperson (Senator Gerry Horkan):** I thank the Minister of State for her comprehensive reply to the debate.

Question put and agreed to.

**Acting Chairperson (Senator Gerry Horkan):** When is it proposed to take Committee Stage?

**Senator Lorraine Clifford-Lee:** Now.

**Acting Chairperson (Senator Gerry Horkan):** Is that agreed? Agreed.

### **Health (Amendment) (No. 3) 2021: Committee and Remaining Stages**

#### **SECTION 1**

**Acting Chairperson (Senator Gerry Horkan):** Amendments Nos. 1 and 2 in the names of Senators Gavan and Ó Donnghaile are related and may be discussed together by agreement. Is that agreed? Agreed.

**Senator Paul Gavan:** I move amendment No. 1:

In page 4, after line 33, to insert the following:

“ “relevant statutory instrument” means any regulation made under the sections inserted in the Act of 1947 by—

(a) this Act,

- (b) the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;
- (c) the Emergency Measures in the Public Interest (Covid-19) Act 2020;
- (d) the Criminal Justice (Enforcement Powers) (Covid-19) Act 2020;
- (e) the Health (Amendment) Act 2020; and
- (f) the Health (Amendment) (No. 2) Act 2021.”.

I thank the Minister of State. It has been a good debate in respect of people expressing their views not only concerning why we are reluctant to support this legislation but also why it must be enacted. We have also detailed the experiences that, unfortunately, all of us have had regarding those fringe elements and some of the poisonous comments we are all receiving. There is something we can do in that regard and that is why we will be pressing amendments Nos. 1 and 2.

Let me be clear, again, that Sinn Féin supports this legislation and we will be supporting this Bill. However, we feel that there has been a lack of oversight, and sometimes the consequences have spilled out to affect all of us. If we had more consultation and oversight, that would give an airing to democratic debate which, at times, has been lacking. It has been frustrating for Members of the Opposition at times just to hear announcements without any consultation beforehand. It has happened on several occasions. These amendments therefore are intended to build-in that required parliamentary oversight.

Amendment No. 1 basically gives us a definition for amendment No. 2.

In amendment No. 2, we are seeking to ensure that any regulations made under this proposed legislation must first be approved by the Oireachtas two days before they come into effect. I think that is a reasonable request.

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

**Senator Paul Gavan:** It is a request that would benefit all of us so that we are seen to be accountable and to take part in a democratic process where we discuss and air these issues rationally and reasonably. It would help to enhance the Bill and shore up support for it. We also recognise the fact that sometimes we will not have that luxury and that is why in amendment No. 2 we have also stated that urgent recommendations can be made and subsequently approved following consultation and agreement with the Joint Committee on Health. The Minister of State can hear that these are reasonable points and that they are trying to enhance the democratic process. We all recognise that these are quite extreme measures and we want to ensure we have accountability before further actions are taken. I hope the amendment would gain the support of colleagues across the Chamber.

**Senator Victor Boyhan:** As indicated earlier, I am supporting these amendments and I am doing so because of the rationale that has been teased out well. I will not delay the debate because it is time sensitive and there is nothing to be gained from teasing it out to that extent, other than to say that what Senator Gavan talks about is parliamentary oversight. That is really important. Nothing that is happening in these amendments or in any of the other amendments will in any way undermine what the Minister of State has said today or the principles of the Bill. They will not take from anything the Minister of State has said or from the key objectives of

the Bill. It is important to make that point. I want to again refer to the ICCL, which I value as a wonderful organisation. A key line in its correspondence to all of us today is:

We urge the Oireachtas to demand that on the expiry of this legislation in three months from date of commencement, (if passed), sufficient time is given to members to scrutinise and debate its contents before it is renewed, if that is proposed, including a consideration of the human rights impact of its operation.

That is fair and reasonable and the Minister of State should not have any issue with that. It goes back to accountability and this is the national Parliament. We all value it and we are proud Members of it. Amendments Nos. 1 and 2 in no way take from the Minister of State's good and sound response, or from the Bill, which we have indicated we are supporting. For that reason I will be supporting and voting for both of these amendments.

**Senator Niall Ó Donnghaile:** Tacaím leis an leasú. I second the amendment proposed by Senator Gavan. Senators Gavan and Boyhan have outlined the clear and coherent rationale for this. I wanted to take the opportunity, without making a Second Stage speech, to reiterate our support for-----

**Acting Chairperson (Senator Gerry Horkan):** We are well past that.

**Senator Niall Ó Donnghaile:** I acknowledge that. The Acting Chair knows I will always follow procedure. I reiterate our support for the Bill. I was following the discussion as I was travelling down from Belfast this morning to make sure I was across it. The debate has been in keeping with the tone of the approach of this House over the course of all of these Bills that have come before us during the pandemic. In the spirit of all the discussion thus far, colleagues would agree that this is a modest ask and that this strengthens our resolve and ability to go out there and advocate for public health, to encourage people to be vaccinated and to combat some of the atrocious rhetoric and narrative that is being pushed in sections of our society. As parliamentarians, we have the opportunity to have greater oversight of this legislation and collectively engage with the Minister of State and her colleagues and officials on this. That is of the utmost importance. In seconding the amendment, I reiterate the call for colleagues across the House to support this. It makes sense and it does the right thing. It strengthens our case as Members of the Seanad and the Oireachtas in ensuring that we advocate for public safety. It also ensures that we advocate for public safety legislation that is the best and most engaged with that it can be.

**Acting Chairperson (Senator Gerry Horkan):** For the Senator's information there is no requirement for a seconding of a Committee Stage amendment but he is entitled to endorse the amendment anyway.

**Senator Niall Ó Donnghaile:** Consider it endorsed.

**Minister of State at the Department of Health (Deputy Anne Rabbitte):** I thank the Deputies who tabled these amendments. There was a comprehensive discussion on this matter last night in the Dáil and Sinn Féin's spokesperson on health was to the fore of the conversation. The debate did not result in a vote and my understanding was that the Minister agreed that many publications have been compiled in the Department of Health on how mandatory quarantine has operated. The Minister has various publications he is prepared to share and that would help with some of the communications issues. That material has not been available before but he is prepared to make that available.

I note the intention behind the Senators' amendments but I am not disposed to agree to them. I would like to add that these same amendments were debated in the Dáil last night and the Minister indicated that he will commence by circulating a note to Members of both Houses on the new travel regulations, which he signed last night. He also gave an undertaking to engage with the Opposition to discuss how best to ensure effective communication takes place, whether through oral or written briefs or in some other way.

On amendments Nos. 1 and 2, I would add that the Minister acknowledged last night that accountability is the key element of democracy. I appreciate that the Senators are seeking to ensure that adequate accountability of powers is exercised under the Act. Those powers are considerable but I note that they are constrained by principles laid down in the Act and cannot serve to make mandatory hotel quarantine more severe, only to reduce its impact. For example, the Minister is empowered to reduce the number of days spent in quarantine or to add to the list of exempted travellers. The Minister has no power to increase the severity of quarantine. Also, such regulations are published in accordance with normal practice and the Minister is accountable to this House in the normal way for all regulations made. The measures proposed in this amendment would, in addition, have the effect of increasing the uncertainty around obligations under this legislation. In circumstances under which we are taking steps through section 38Z to increase the potential for travellers to have certainty on their obligations ahead of travelling, this would be unfortunate. I note that the Bill has been carefully crafted to be proportionate in its response to this real threat. The sunset clause places a clear limit on its operation and the Minister must attend both the Dáil and Seanad Chambers to justify any extensions to that period.

**Senator Paul Gavan:** I thank the Minister of State for her response. There is a genuine difference of opinion here but I want to acknowledge the point the Minister of State makes about the Minister's offer to share information. That is something that would be certainly be helpful but at the same time our position would be that the Act would still benefit from better Oireachtas oversight. It is not just the Act that would benefit; our Parliament would also benefit from that. At times there is a danger of us gifting issues to people on the far right by not having more debate and consultation. In fairness to the Minister of State she has acknowledged those communication and consultation issues this morning and we will hold her to that. We will have to agree to disagree on this but I appreciate the Minister of State's comments.

**Acting Chairperson (Senator Gerry Horkan):** Is the Senator pressing the amendment?

**Senator Paul Gavan:** Yes.

Amendment put and declared lost.

Section 1 agreed to.

#### NEW SECTION

**Senator Paul Gavan:** I move amendment No. 2:

In page 4, after line 33, to insert the following:

#### **“Parliamentary oversight of Covid-19 regulations**

2. (1) Every relevant statutory instrument made by the Minister shall be laid before each House of the Oireachtas not less than 48 hours before they come into effect and—

(a) where, before the date on which paragraph (b) would have effect, a resolution annulling the instrument is passed by either such House, the instrument shall be annulled accordingly but without prejudice to the validity of anything previously done under it,

(b) if, in respect of each House, a resolution confirming the instruments is not passed by it—

(i) on the day it is laid before that House or within the next subsequent 14 days on which that House has sat after the instrument was so laid, or

(ii) in any other case, within 21 days after the instrument was made, whichever first occurs, then the instrument shall be deemed to be annulled accordingly but without prejudice to the validity of anything previously done under it,

and

(c) where, following the agreement of the Joint Oireachtas Committee on Health, the need of such a regulation is deemed urgent, every relevant statutory instrument may be laid before each House of the Oireachtas as soon as may be after it is made for the purpose of this section.

(2) The period of time to which subsection (1)(b) relates in respect of a relevant statutory instrument that has been subsequently amended is the period of time concerned for that instrument and not to any other period of time by reference to the amending instrument.

(3) Notwithstanding subsection (2), subsection (1)(b) does not apply to a relevant statutory instrument where, before the date on which subsection (1)(b) would have had effect—

(a) the instrument ceases to have effect in accordance with its provisions,

(b) the instrument ceases to have effect in accordance with any subsequent amendment duly made to it or has been duly revoked, or

(c) the instrument has been annulled by either House in accordance with subsection (1)(a).”.

Amendment put and declared lost.

Section 2 agreed to.

### SECTION 3

**Senator Rebecca Moynihan:** I move amendment No. 3:

In page 16, between lines 7 and 8, to insert the following:

“(fa) who, being ordinarily resident in the State, is returning to the State having travelled to another state for—

(i) an unavoidable, imperative and time-sensitive medical reason,

or

(ii) a termination of pregnancy,

and the reason is certified by a person who is a registered medical practitioner or a person holding an equivalent qualification outside the State.”

In the debate on the Safe Access to Termination of Pregnancy Services Bill 2021, I asked the Minister to clarify regulations made under the current legislation, under which a person is an exempted traveller if ordinarily resident in the State and returning to the State having travelled to another state for an unavoidable, imperative and time-sensitive medical reason. Over the course of the pandemic, it has been questioned whether this applies to terminations of pregnancy and women who have to travel for an abortion after 12 weeks. I will read reports of a number of such situations that have appeared in *The Irish Times*. This first report was published in May.

‘Bernadette’ (not her real name) travelled to London last month. Her unplanned pregnancy came shortly after giving birth to a baby who had spent “a long time” in neo-natal intensive care.

“In advance of booking flights, I consulted with ASN and my doctor to confirm I should be exempt from Covid testing... Both were confident my return should not be an issue based on the exemptions,” she said.

“However, on arriving at the check-in desk at Heathrow, I was told I was not exempt despite producing detailed documentation to confirm the procedure and my discharge. I asked to speak to a supervisor who informed me of the same thing after calling immigration to check the possibility of travel due to my circumstances. All of these discussions were conducted in front of other passengers at a busy check-in desk – a stressful and degrading experience.

“I was told that without a PCR test it was not possible to fly and I would have to go into mandatory quarantine on arrival home.”

Bernadette said she was provided with a number for the Irish Embassy and directed to the test centre in Heathrow Airport.

“Being very distressed at this stage, I was then told that the results of any test would not be back for up to 72 hours, meaning extending my stay, spending more money and not being able to return to my two children at home in the care of my partner, who was trying to work full time.”

Bernadette eventually found a rapid test centre near Heathrow and paid an exorbitant amount to get a three-hour turnaround for her results. Also reported in *The Irish Times* were the experiences of Terminations for Medical Reasons, TFMR, which has “come across at least 30 people who have been forced to travel during the pandemic”. Its representative is quoted as follows:

They have to show that letter to strangers, who scrutinise it, asking if their reason for travelling is really essential. There have been women turned away who have had to re-schedule and turn back. The fear and the shame and the stigma and the grief and the loss is just magnified 10 times over by going through those kinds of horrible circumstances, on their way to lose their baby.

The Minister did not clarify this matter when I asked him about it last month, nor has he clarified it in his answers to questions from abortion providers. They have received the stock response that the exemption applies to anybody travelling for unavoidable, imperative and time-sensitive medical reasons. I have been told that the people interpreting that do not consider abortion to be a time-sensitive medical reason because an appointment must be booked. There is great stress and anxiety on the ground, not to mention the additional expense of going through testing. A test in Dublin Airport before travelling now costs approximately €70 but, during the summer, it was €200 or more. The Minister of State can imagine what it must be like leaving a clinic after undergoing a surgical abortion only to have to run around trying to find a testing centre to get a test within that period. People are just not sure whether they will be able to get on the plane. In addition, the person checking passengers in at the desk may decide to turn the woman away or the woman may fail that test and be forced to spend an additional ten days in the UK. That happened to a client of the Abortion Support Network recently.

We tabled an amendment with that in mind and asked for clarification. We wanted termination of pregnancy to be specifically mentioned. The amendment was voted down by the Government last night. We were told it was not needed and that the matter would be dealt with in regulations. We are now 18 months into a pandemic and it has not been dealt with in regulations. It also was not clarified by the Minister when I gave him the opportunity to do so in this House a month ago, before we knew about this variant and the introduction of this mandatory hotel quarantine Bill. Senator Gavan asked the Minister about it and offered to cede time to allow him to confirm. The Minister said he had to go away and check. He would not confirm it. The Minister himself did not know whether this ground was included in the exemption. That is why we proposed this amendment to the Bill.

It is absolutely shameful that there are women travelling today who have had to go through the additional expense of testing. If they are vaccinated, they need antigen testing. This must be paid for privately. There is no State procedure. It is not easy to get the test and that adds a great additional burden. There are women travelling today who were told they had to do that. There will be women travelling next week but, after 18 months and at least 375 women travelling a year during that period, the Government has refused to confirm whether the exemption applies.

We are proposing this amendment to clarify matters. I will push it to a vote. I am greatly disappointed that the Minister would not confirm whether the exemption applied when in this House a month ago. I am also disappointed that the Bill was not amended last night when the Government had the opportunity to clarify the matter. Guidance should be given to the airlines that people with discharge letters from abortion providers in the UK, the Netherlands or elsewhere can travel freely. If, as a Member of the Oireachtas, I travel tomorrow, I will be exempt from the testing requirements and mandatory hotel quarantine. If I am travelling because I have had to get an abortion, it is not clear whether I am exempt. It is certainly not clear to people on the ground. That is why I will be pushing this to a vote.

**Senator Victor Boyhan:** I thank Senator Moynihan for clearly setting out the issues behind this very important amendment. I talked to the Minister of State earlier about clarity of message. Let us be clear because we are seeing the external results of the internal communications. We need to be clear about what we are doing and considering here today. It is my understanding that we are talking about our citizens, our people, who want to return to the State. This is the major focus of this amendment.



I spoke earlier about the submission the Irish Council for Civil Liberties made to us with regard to the Health (Amendment) (No. 3) Bill 2021. There is a line jumping off the page which provides that “All restrictions on [the rights of Irish citizens] need to be grounded in strong evidence proving they are necessary, proportionate and constitute the most minimal interference with rights possible.” That is a very powerful message and is clearly reflected in Senator Moynihan’s amendment. The Senator is right and has made a very good case. I am very happy to support the amendment.

**Senator Paul Gavan:** I pay tribute to Senator Moynihan for raising this matter during debate on the Safe Access to Termination of Pregnancy Services Bill 2021 just a month ago. It is a little unfair on the Minister of State because she was not in the seat that evening. I also accept that it is a little unfair that the Minister for Health, Deputy Donnelly, is not here to defend himself. However, I cannot describe how frustrated I was when I gave him the opportunity to give an answer on the matter. I was happy to cede my time to allow him to clarify this point. He said he would have to come back to me. As Senator Moynihan has said, people have been seeking clarity on this point for months. The fact of the matter is that the Minister did not come back to us.

Senator Moynihan has spelled out the facts far better than I ever could. This is an issue. It is a real problem for women travelling and trying to travel home. It has not been addressed. I am genuinely disappointed and a little shocked that the Government did not take the opportunity to do this last night. We cannot fix that but we do have an opportunity to fix the issue here. There is a great tradition in the Seanad of, from time to time, putting our political badges to one side, recognising the common good and coming together to do the right thing. We did that with the Safe Access to Termination of Pregnancy Services Bill just last month. We should do it again now. The reason we should do that here now - and I have to be very direct here - is that I do not believe the Minister has dealt with this issue. I am trying to be reasonable but we know he has not. It is a massive problem. We have heard from civil society groups and we have heard the figures. We need to deal with this because it is the right thing to do. I suggest we all do that now.

**Senator Lorraine Clifford-Lee:** I am very happy to get to speak on this topic because it is something I feel very passionate about. I listened to the debate last night and the Minister clarified the situation. I do not believe there is any ambiguity or that there is anything to be fixed. The Minister clearly said last night that terminations are to be regarded as “unavoidable, imperative and time-sensitive”. That is the wording used in this exemption. The legislation we are debating is not the same as Senator Gavan’s Bill, which we debated a couple of weeks ago in the Chamber. We are specifically debating the hotel quarantine measures. People who have travelled out of the State are not required to hotel quarantine if they travelled for an abortion because it is imperative, unavoidable and time-sensitive.

Last night, the Minister for Health, Deputy Stephen Donnelly, clearly undertook that this interpretation of the legislation would be communicated to all parties, including airlines. I have spoken to people who have had difficulties over the past couple of months when they came back after receiving terminations. I know the difficulties unvaccinated people have faced over the past couple of months. Luckily, vaccinations are freely and widely available in this country. We have had an enormous uptake of vaccines so the number of unvaccinated people travelling out of the country for a termination and coming back in was very small. I acknowledge it was a very big difficulty for those people, but there is nothing to be fixed or clarified. The Minister clarified this issue last night.

We should not try to stoke up fear or use inflammatory language when we are just trying to get this across the line. Nobody wants to worry women-----

**Senator Paul Gavan:** I did not use inflammatory language.

**Senator Rebecca Moynihan:** How dare Senator Clifford-Lee say that I am stoking up fear or using inflammatory language.

**Acting Chairperson (Senator Gerry Horkan):** Senator Clifford-Lee should continue without interruption.

**Senator Lorraine Clifford-Lee:** How dare I what?

**Acting Chairperson (Senator Gerry Horkan):** I will let Senator Moynihan come back in.

**Senator Rebecca Moynihan:** How dare Senator Clifford-Lee say I am using inflammatory language. This affected me. How dare she say that.

**Acting Chairperson (Senator Gerry Horkan):** I understand this is an emotive subject. I will let Senator Moynihan back in to speak and she will be allowed to reply to the debate. Please allow Senator Clifford-Lee to continue without interruption. I did not ask-----

**Senator Lorraine Clifford-Lee:** I have never been interrupted like that before, with “How dare I.”

**Acting Chairperson (Senator Gerry Horkan):** I would stop anyone else from interrupting anybody else.

**Senator Lorraine Clifford-Lee:** I said that difficulties had arisen for people. I have spoken to people who have experienced difficulties, but that does not relate to this legislation. The Minister was very clear on that. We have a Minister for Health who is very committed to women’s healthcare and reproductive health in this State. An unprecedented amount of money has been invested in women’s health. It should not be thought that the Minister is not alive to the situation faced by people. This legislation and the Minister’s comments last night were very clear. Women who have travelled abroad for a termination, which is imperative, unavoidable and time-sensitive, will not be required to hotel quarantine. I am just restating what was stated last night for the purposes of clarity. I take offence at the language that has been used and shouted across the Chamber at me.

**Acting Chairperson (Senator Gerry Horkan):** I will bring the Minister of State back in at some point, but does Senator Moynihan want to reply?

**Senator Rebecca Moynihan:** I did not use inflammatory language. I will read out what is in this Bill and how the amendment clarifies it. I will tell the Senator why I am asking for a specific change in language from “travels to the State for an unavoidable, imperative and time-sensitive medical reason”. The previous language used in regulations was “who, being ordinarily resident in ... [this] State, is returning to the State having travelled to another state”. I know that during the summer this was interpreted in a certain way, which did not include people who were travelling and coming back. That is why the difference between the two wordings is so important. While I welcome some element of clarification, what will be decided in any legal sense will be based on what is in the Bill at present. It is very clear that the Bill refers to someone who travels to the State and not someone returning from it. Vaccinations make a difference

to that situation but antigen tests do not and they are coming in as part of the new restrictions. That is why I tabled this amendment.

It is also the case that there is huge vaccine hesitancy among pregnant women, rightly or wrongly. It could be said they should get vaccinated - I got vaccinated - but there is vaccine hesitancy among pregnant women. Are we going to say that because people did not get vaccinated they have to undergo traumatic travel that means they will not be able to come back into the State? That is the difference, that is why this is key and that is why we are seeking to clarify this. It is very important and that is why we are seeking to do it. It is not to use inflammatory language, for political gain or to make a point. It is to protect people coming back into the State.

**Senator Paul Gavan:** I have no issue with us having a debate on this issue. I do have an issue with the charge of inflammatory language. I was extremely careful in how I spoke on this. Senator Moynihan was far more careful and articulate than I could ever be. I respectfully ask Senator Clifford-Lee to withdraw the charge of inflammatory language.

**Deputy Anne Rabbitte:** I thank the Senators for tabling this amendment, and for giving us the time and opportunity to discuss it and to tease out where there were perhaps challenges in previous hotel quarantine legislation. I hope that is what the Minister did last night in the Dáil. I will read out exactly what he delivered. The Minister said clearly last night that terminations are to be regarded as “unavoidable, imperative and time-sensitive”, the wording used for exemption. He also undertook to make sure the implementation of the exemption would be understood in this way. The same wording used for the exemption for pre-travel Covid testing requires a doctor to certify same, as for all availing of the exemption.

It is important for me to read the script because I am delivering the Minister’s speech, which I need to read into the record. This exemption worked well. The current Bill includes the same regulation giving power for the Minister to exempt certain travellers from the obligation to undergo mandatory hotel quarantine and it is the intention to again make provision by that means for individuals in these circumstances. It should be noted that the exemption provided for in the regulation also covered carers travelling with such an individual. The regulation-making powers have a degree of flexibility that primary legislation does not.

The second aspect relates specifically to one medical procedure - termination of pregnancy. The Minister did not provide for specific procedures to be grounds for exemption previously and it is not the intention to do so, should it be necessary to reintroduce mandatory hotel quarantine. It is important that those considering whether a traveller can avail of an exemption or not have the availability to access each case on its own merits and, where necessary, the HSE made available and will do so again, the advice of the public health doctor to determine if a traveller falls under the exemption or not.

Having said that, the intention behind the amendment to provide for particular circumstances of a woman returning to the State after a termination, and the additional stress and cost that entering mandatory hotel quarantine could involve, is recognised. Last night, the Minister made it clear that returning to Ireland after a termination falls within this exemption and undertook to engage with the relevant authorities to ensure that is fully understood.

I empathise with, and completely recognise, the text Senator Moynihan read out from Bernadette. It would be remiss of me not to acknowledge that.

**Senator Rebecca Moynihan:** I am pressing this amendment because, legally, if any bad

faith actors were to do something, there is a difference between travelling to the State as opposed to having returned to the State. I acknowledge that it is also possible to make that difference clear within regulations because the initial language comes from regulations. I would like to see that clarified. I am pushing the amendment because one of the issues around this is that bad faith actors put a chill effect on stuff. That is what I am concerned about. It is why I am concerned about that very specific difference in language between the initial regulations and what is included in this Bill. I am specifically concerned about that because I was told during the summer that somebody had a certain interpretation of that. I am pressing the amendment because it is important to make that point.

I would like very clear guidance to be given to providers, particularly airlines. That is where this has been an issue. For airlines, this matter is not considered. I know, for example, maternity hospitals would not give guidance on this because they felt they could not do so as it was not clear and there was ambiguity around the language. That is why I am pressing the amendment.

The absence of the specific words “returning to the State” as opposed to the words “in the State” is very important. I ask that when regulations are being set down the language about people returning to the State having travelled to another state is included in them. It can be covered in regulations. I also ask that it be done for the purposes of testing with respect to the logistics involved in testing requirements. The logistics of that are very difficult, particularly when travelling to have surgery. A large number of exemptions from the testing requirements are available for other people coming back into the State. According to an abortion support network, one woman got stuck in the UK for ten days because she happened to fail a test. The question was whether she would isolate for ten days in the UK after going through a traumatic experience or whether she would end up isolating at home. The difference is clear, the expense involved is clear and it is also clear that these women are unable to be with their families.

**Senator Lorraine Clifford-Lee:** To respond to the specific point made by the Senator, I give an undertaking to liaise directly with the Minister, Deputy Donnelly, to ensure provision in this respect is ring-fenced in the regulations. This is a very important point. I know the Minister will be very open to that. This has been a very difficult period, particularly for women, who have been disproportionately impacted by the pandemic. That is especially the case for women seeking a termination, whether in Ireland or abroad. We need to do everything to help the passage of this legislation while ensuring the rights of such women are looked after. I will liaise with the Minister on that point and get back to the Senator on it.

**Acting Chairperson (Senator Gerry Horkan):** Does the Minister of State wish to add anything further?

**Deputy Anne Rabbitte:** I totally understand the reason Senator Moynihan is pressing this amendment is to ensure that there is a clear understanding of this matter in the regulations and that is set out within them. Wording is everything and we talked about communications earlier. In this respect, this needs to be set out and clearly identified as part of the exemptions. The Minister gave a clear commitment on the floor of the Dáil last night that this would be clearly articulated within the regulations.

Amendment put:

The Seanad divided: Tá, 7; Níl, 17.	
Tá	Níl
Boyhan, Victor.	Ahearn, Garret.
Boylan, Lynn.	Buttimer, Jerry.
Gavan, Paul.	Carrigy, Micheál.
Moynihan, Rebecca.	Casey, Pat.
Ó Donnghaile, Niall.	Conway, Martin.
Wall, Mark.	Crowe, Ollie.
Warfield, Fintan.	Doherty, Regina.
	Dooley, Timmy.
	Gallagher, Robbie.
	Hackett, Pippa.
	Horkan, Gerry.
	Kyne, Seán.
	Martin, Vincent P.
	McGahon, John.
	Murphy, Eugene.
	Ward, Barry.
	Wilson, Diarmuid.

Tellers: Tá, Senators Paul Gavan and Rebecca Moynihan; Níl, Senators Robbie Gallagher and Seán Kyne.

Amendment declared lost.

Senator Lorraine Clifford-Lee has advised the Cathaoirleach that she has entered into a voting pairing arrangement with Senator Eileen Flynn for the duration of Senator Flynn's maternity leave and accordingly has not voted in this division.

*12 o'clock*

Section 3 agreed to. Section 4 agreed to.

#### NEW SECTION

**Senator Paul Gavan:** I move amendment No. 4:

In page 38, between lines 10 and 11, to insert the following:

#### **“Report of the Minister**

**5.** Not less than two weeks before any motion for a renewal of the provisions of this Act, a report on how they have been applied or enforced shall be laid before both Houses of the Oireachtas. The report shall include:

(a) information, including statistical breakdown, on implementation of these provisions;

(b) information, including statistical breakdown, on breaches of these provisions;

(c) information on how public duty of equality and human rights has been reflected in their application: and

(d) concerns identified and recommendations for improvement.”.

This proposal is reasonable. We have spoken about the need for parliamentary oversight and accountability. This is a sensible amendment. It simply states that before a renewal of the Act, which would all acknowledge could be necessary, a report would be made on how the Act has been applied or enforced and it should be laid before the Houses of the Oireachtas. The amendment details what the report should include, namely: information, including a statistical breakdown, on implementation of the legislation’s provisions; information on breaches; information on how public duty of equality and human rights has been reflected in application; and concerns identified. That is a reasonable, sensible provision. The amendment would only enhance the legislation. I ask the Minister of State to support it.

**Senator Victor Boyhan:** This amendment relates to parliamentary oversight and accountability in the Dáil. I do not think there is an issue with the Minister of State regarding that either. We talk about the quality of the debate in the Upper House, which I acknowledge, but it would be great if a Minister could come into the House and just support a very reasonable amendment. I know the Minister of State spoke about the collective in Government, and I appreciate that. There is a corporate collective overview and one cannot have people deviating all over the place. Again, that confuses the message, so I know where the Minister of State is coming from.

This is my last opportunity to speak so I wish to, again, say “Well done” to the Minister of State, Deputy Rabbitte, for coming to the House and for really engaging with us not in a typical manner by reading off typed sheets. She deals with the facts and brings her own genuine concern, compassion and empathy to everything she does and her contribution is no exception. This debate is one of the better debates we have ever had in the House. I wish to finish on that point. I say “Well done” to the Minister of State and hope she gets a bit of time out over the weekend to recharge the old battery.

I support this amendment. It relates to parliamentary oversight and, as Senator Gavan said, all it seeks to do is provide a report on information, including statistical breakdowns, on implementation of those provisions within the legislation, which is very important. We need to see that. It may not be, but we need this information on how public duty of equality and human rights is being reflected in the application of the legislation. That echoes the concerns of the debate today. We talk about information but, somehow, we have a difficulty within the Houses of the Oireachtas supporting a simple amendment. Hopefully the Minister of State will support this amendment on information. All of us across the House are legitimately entitled to have concern. There is no difference here; we all share it. I picked up the messages from everybody today. People are genuinely concerned with the need to identify the recommendations and improvements.

On supporting this amendment, I too am very conscious of and am not deaf to the conversation we had in this House today about the enormous pressures politicians in the Oireachtas come under, as well as abuse and personal attacks, for standing up for principles. We need to call that out. The Minister of State spoke about language earlier. This afternoon, there will be a protest with approximately 1,000 people expected in Merrion Square. They are right and entitled to protest once it is done in a meaningful, peaceful and respectful manner. Everyone has

a right to express a view and that should be valued. As I said earlier, there were many hundreds of people who wrote to each and every one of us with concerns. They were valid personal concerns for themselves, but we have to make decisions here in the national interest. I thank the Minister of State and, in particular, Sinn Féin and the Labour Party for coming with constructive and simple but concise amendments to this Bill.

**Deputy Anne Rabbitte:** I thank Sinn Féin again for giving us the opportunity to have this conversation. Yesterday evening in the Dáil, when the Minister, Deputy Stephen Donnelly, was present, there was a really good, comprehensive conversation on this. The Sinn Féin health spokesperson accepted the Minister's commitment and assurances to provide a report of the kind requested, in time. In the interest of ensuring the Bill passes as quickly as possible, however, and bearing in mind the urgency of having all the tools possible at our disposal to continue to deal with the pandemic, I cannot accept this amendment. That does not mean that there was not a real conversation around keeping everybody informed in both Houses. The Minister made a commitment to that yesterday and I am sure Senators Clifford-Lee and Murphy will ensure that he will keep this House, including your good selves, clearly informed on any publication made by him so that it will be replicated in this House.

If I were to suggest anything it is that perhaps we should look at this. While the heat and pressure are on today, there is nothing to stop us coming back in a couple of weeks' time to discuss the progress and regulations and how it has all worked out. I have no problem coming in here and answering the Senators and to see what the Minister has committed to do and following through on that commitment. That is awfully important because that builds trust. If people do not have trust in their elective representatives, it is very hard for the public to trust us in what we say or do. I would be quite happy to come into the House in a number of weeks' time with the Department officials, or perhaps the Minister would prefer to come in, to consider exactly what progress and reports he has cited and has done in the interim.

**Senator Paul Gavan:** I thank the Minister of State again for a comprehensive response. In light of the points she raised and the commitments referred to which the Minister, Deputy Stephen Donnelly, made yesterday, I am happy to withdraw this amendment.

Amendment, by leave, withdrawn.

Section 5 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported without amendment.

**Acting Chairperson (Senator Gerry Horkan):** When is it proposed to take next Stage?

**Senator Eugene Murphy:** Now.

**Acting Chairperson (Senator Gerry Horkan):** Is that agreed? Agreed.

Bill received for final consideration.

**Acting Chairperson (Senator Gerry Horkan):** When is it proposed to take next Stage?

**Senator Eugene Murphy:** Now.

3 December 2021

**Acting Chairperson (Senator Gerry Horkan):** Is that agreed? Agreed.

Question, “That the Bill do now pass”, put and agreed to.

The Seanad adjourned at 12.18 p.m. until 10.30 a.m. on Tuesday, 7 December 2021.